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## Regulations

### TITLE 17—COMMODITY AND SECURITIES EXCHANGES

#### Chapter II—Securities and Exchange Commission

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

##### EXEMPTION OF CERTAIN DISTRIBUTING AND UNDERWRITING TRANSACTIONS

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 16 (c) and 23 (a), and finding that such action is necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in the Commission by the said act, hereby adopts the following § 240.16c-2 [Rule X-16c-2]:

§ 240.16c-2 *Exemption from section 16 (c) of certain distributing and underwriting transactions.* (a) Upon the condition specified in paragraph (b) of this section, any security shall be exempt from the operation of section 16 (c) to the extent necessary to render lawful under such section any sale made by or on behalf of a dealer in contemplation of a distribution (1) where the sale is represented by an over-allotment in which the dealer participates as a member of an underwriting group, or (2) where the dealer intends in good faith to offset such sale with a security which he will receive as a participant in an underwriting or selling group of which he is a member at the time of the sale, whether or not the amount of the security he will so receive is subject to a prior offering to existing security holders or some other class of persons. As used in this paragraph, the term "distribution" means a distribution on behalf of the issuer, any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer.

(b) The exemptions granted by paragraph (a) of this section shall be subject to the condition that, if the dealer is

either (1) an officer or director of the issuer, (2) a firm of which an officer or director of the issuer is a partner, employee, appointee, nominee or representative, or (3) a corporation or other person in respect of which an officer or director of the issuer is an officer, director, employee, appointee, nominee, representative or beneficial owner, directly or indirectly, of more than 10 per centum of any class of equity security, then other persons who are not specified in subparagraphs (1), (2) or (3) of this paragraph shall have participated in the distribution as members of the underwriting group (or, in the case of the second exemption, the underwriting group or the selling group or both) on terms at least as favorable as those on which such specified persons have participated, and to an extent at least equal to the aggregate participation of all such specified persons.

This section 2 effective March 20, 1946.

(Sec. 3, 48 Stat. 882; 15 U.S.C. 78c; sec. 16, 48 Stat. 896; 15 U.S.C. 78p; sec. 23, 48 Stat. 901; sec. 3, 49 Stat. 1379; 15 U.S.C. 78w)

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 46-4736; Filed, Mar. 21, 1946;  
10:09 a. m.]

### TITLE 29—LABOR

#### Chapter VI—National Wage Stabilization Board

[General Orders 5, 9, 30 and 38, Revocation]

##### PART 803—GENERAL ORDERS

The National Wage Stabilization Board hereby revokes §§ 803.5, 803.9, 803.30 and 803.38 (General Orders Nos. 5, 9, 30 and 38).

Approved by the National Wage Stabilization Board March 20, 1946.

B. M. JOFFE,  
Acting Executive Director.

[F. R. Doc. 46-4725; Filed, Mar. 21, 1946;  
9:23 a. m.]

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[General Order 43]

#### PART 803—GENERAL ORDERS

##### ADVANCE APPROVAL OF CERTAIN WAGE INCREASES

The National Wage Stabilization Board has adopted the following General Order No. 43:

§ 803.43 *Advance approval of certain wage increases under Executive Order 9697.* Wage increases which conform with any of the provisions of this section shall be deemed to be approved by the National Wage Stabilization Board and by the Economic Stabilization Director without the necessity for applying for and obtaining specific approval of such increases:

(a) Any wage or salary increase which does not result in an hourly rate of pay above 65 cents per hour.

(b) (1) Any change heretofore or hereafter made in an incentive wage or piece rate to reflect a change in method, product, tools, material, design, or production conditions: *Provided*, That such change maintains the established rela-

tionship between earnings and effort, so that equivalent earnings will be paid for equivalent effort.

(2) The institution at any time of an incentive wage or piece rate for a new production item in those parts of a plant where an established incentive wage or piece rate plan was in operation prior to February 14, 1946 or has been approved thereafter: *Provided*, That the principles of the plan which is in operation are applied to the new item. In establishing incentive wage or piece rates for new production items, equivalent occupational earnings must be maintained for equivalent effort.

(c) Any individual wage or salary increase or bonus payment made at any time in accordance with a schedule or plan providing for the making of merit increases, progression increases, or increases based upon length of service, or for bonus payments, if such schedule or plan was in effect prior to February 14, 1946 or has been approved thereafter.

(d) Any wage increase to eliminate or correct intraplant inequities made at any time in accordance with a job evaluation plan established prior to February 14, 1946 or approved thereafter. Any individual increases so made shall not serve as a basis for subsequent approval of any other wage increases for the purpose of eliminating intra-plant inequities.

Approved: by the National Wage Stabilization Board and Economic Stabilization Director, March 20, 1946.

B. M. JOFFE,  
Acting Executive Director.

[F. R. Doc. 46-4726; Filed, Mar. 21, 1946;  
9:23 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—Civilian Production Administration

**AUTHORITY:** Regulations in this chapter unless otherwise noted at the end of documents affected issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-931]

##### ASSOCIATED BATTERY MFG. CO.

M. J. Oakley, doing business as the Associated Battery Manufacturing Co., at 415 Molino Street, Los Angeles, California, is engaged in the manufacture of storage batteries. During first, second and fourth quarters of 1945 the company used in the production of batteries 157,422 pounds of lead in excess of the quotas for these periods to which they were entitled, in violation of Conservation Order M-38. M. J. Oakley was familiar with the provisions of Order M-38 and his actions constituted violations thereof. These acts have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered, that:

#### § 1010.931 Suspension Order No. S-931.

(a) The temporary suspension order issued against M. J. Oakley, d/b/a Associated Battery Manufacturing Co., on February 5, 1946, is hereby revoked.

(b) During each of the second, third and fourth quarters of 1946 M. J. Oakley, d/b/a Associated Battery Manufacturing Co., shall reduce his use of lead in the manufacture of storage batteries by 52,474 pounds per quarter less than he would otherwise be entitled to under the provisions of Conservation Order M-38.

(c) Nothing contained in this order shall be deemed to relieve M. J. Oakley, d/b/a Associated Battery Manufacturing Co., from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to M. J. Oakley, doing business as Associated Battery Manufacturing Co., or under any other name, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 20th day of March 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-4713; Filed, Mar. 20, 1946;  
4:27 p. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 15]

##### SALE OF SOLDER, ANTIMONIAL LEAD DIE METAL, AND BATTERY LEAD SCRAP BY WAR ASSETS CORPORATION

The following direction is issued pursuant to PR 13:

(a) *What this direction does.* There is a critical shortage in the supply of tin and lead. From time to time substantial quantities of solder, antimonial lead die metal and battery lead scrap are declared surplus by Government agencies to the War Assets Corporation. In most cases this material is not usable in the form in which it is sold by War Assets Corporation, and must be reprocessed. This direction restricts the classes of buyers to whom War Assets Corporation may sell these materials. However, it does not prohibit the War Assets Corporation from making sales of the type permitted by this direction upon such other terms and in such quantities as the War Assets Corporation may determine. Preference ratings have no effect upon any sales which may be made by the War Assets Corporation either by way of obliging it to sell, or by way of determining as among the several buyers permitted by this direction who shall get the material from the War Assets Corporation.

(b) *Restrictions on sales by War Assets Corporation.* War Assets Corporation may not sell any solder, antimonial lead die metal or battery lead scrap to any person unless (1) the sale has been specifically authorized by

the Civilian Production Administration on Form WPB-1161; or (ii) the purchaser is a smelter or reprocessor and gives a certificate with his purchase order in substantially the following form:

The undersigned certifies to the seller and CPA, subject to the penalties of section 35 (A) of the U. S. Criminal Code that (i) he is a tin or lead smelter or reprocessor; (ii) that his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding three months requirements; and (iii) the material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.

The standard certification in Priorities Regulation 7 may not be used instead of this certificate.

(c) *Obligation of person giving certificate.* Any person giving the certificate described above may obtain and use the material he gets with the certificate only in accordance with its terms.

Issued this 21st day of March 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-4753; Filed, Mar. 21, 1946;  
11:18 a. m.]

#### Chapter XI—Office of Price Administration

##### PART 1418—TERRITORIES AND POSSESSIONS [RMFR 373, Amdt. 75]

##### FRESH ISLAND FISH AND SEA FOOD IN HAWAII

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 19, Table E, of Revised Maximum Price Regulation 373 is amended to read as follows:

TABLE E—FRESH ISLAND FISH AND SEA FOOD

| Name                          | KAUI                     |                            |                          |
|-------------------------------|--------------------------|----------------------------|--------------------------|
|                               | Producers' maximum price | Wholesalers' maximum price | Retailers' maximum price |
| Aawa                          | Per lb. \$0.18           | Per lb. \$0.20             | Per lb. \$0.25           |
| Aha                           | .18                      | .20                        | .25                      |
| Ahi (Yellow fin tuna)         | .25                      | .28                        | .35                      |
| Ahi—Steaks                    |                          |                            | .50                      |
| Ahi—Fillets                   |                          |                            | .55                      |
| Aholehole                     | .32                      | .36                        | .45                      |
| Aku (Tuna)                    | .25                      | .28                        | .35                      |
| Aku—Steaks                    |                          |                            | .50                      |
| Aku—Fillets                   |                          |                            | .55                      |
| Akule                         | .25                      | .28                        | .35                      |
| Akule—Dried                   | .50                      | .52                        | .60                      |
| Alaihi                        | .18                      | .20                        | .25                      |
| Amaama (Mullet, pond and sea) | .43                      | .48                        | .60                      |
| A'u (Swordfish)               | .25                      | .28                        | .35                      |
| A'u—Steaks                    |                          |                            | .50                      |
| A'u—Fillets                   |                          |                            | .55                      |
| Awa                           | .25                      | .28                        | .35                      |
| Awa—Steaks                    |                          |                            | .50                      |
| Awaawa                        | .34                      | .40                        | .60                      |
| Aweoweo                       | .36                      | .40                        | .60                      |
| Carp                          | .14                      | .16                        | .20                      |
| Catfish                       | .32                      | .36                        | .45                      |
| Clams                         | .07                      | .09                        | .12                      |
| Crab (Samoa)                  | .21                      | .24                        | .30                      |
| Crab (Kona)                   | .38                      | .44                        | .55                      |
| Crab (Red) Papai              | .14                      | .16                        | .20                      |
| Crab (White) Papai            | .21                      | .24                        | .30                      |
| Hapu—Deep sea black bass      | .43                      | .48                        | .60                      |
| Hee (Squid)                   | .32                      | .36                        | .45                      |
| Hee—Dried                     | .55                      | .60                        | .75                      |

TABLE E—FRESH ISLAND FISH AND SEA FOOD—  
Continued

KAUAI—continued

| Name                                    | Producers' maximum price | Wholesalers' maximum price | Retailers' maximum price |
|-----------------------------------------|--------------------------|----------------------------|--------------------------|
| Hihimano (Sting Ray).....               | Per lb. \$0.14           | Per lb. \$0.16             | Per lb. \$0.20           |
| Hihimano—Steaks.....                    |                          |                            | .30                      |
| Hilo.....                               | .18                      | .20                        | .25                      |
| Himalea.....                            | .18                      | .20                        | .25                      |
| Honu (whole turtle).....                | .07                      | .09                        | .12                      |
| Honu—Dressed.....                       | .14                      | .18                        | .30                      |
| Honu—Steaks, boneless.....              |                          |                            | .40                      |
| Humuhumu.....                           | .18                      | .20                        | .25                      |
| Hupipi.....                             | .25                      | .28                        | .35                      |
| Ihe-the (Stick fish).....               | .25                      | .28                        | .35                      |
| Kahala.....                             | .34                      | .40                        | .50                      |
| Kahala—Steaks.....                      |                          |                            | .60                      |
| Kahala—Fillets.....                     |                          |                            | .65                      |
| Kaku.....                               | .34                      | .40                        | .50                      |
| Kaku—Steaks.....                        |                          |                            | .60                      |
| Kaku—Fillets.....                       |                          |                            | .65                      |
| Kala.....                               | .12                      | .14                        | .18                      |
| Kalikal.....                            | .34                      | .40                        | .50                      |
| Kawalo.....                             | .32                      | .36                        | .45                      |
| Kawakawa (Bonito).....                  | .32                      | .36                        | .45                      |
| Kawela.....                             | .32                      | .36                        | .45                      |
| Kole.....                               | .14                      | .16                        | .20                      |
| Kuikui.....                             | .14                      | .16                        | .20                      |
| Kumu.....                               | .45                      | .52                        | .65                      |
| Kupoupou.....                           | .32                      | .36                        | .45                      |
| Lai.....                                | .18                      | .20                        | .25                      |
| Laenihi.....                            | .25                      | .28                        | .35                      |
| Mahimahi (Dolphin).....                 | .32                      | .36                        | .45                      |
| Mahimahi—Steaks.....                    |                          |                            | .60                      |
| Mahimahi—Fillets.....                   |                          |                            | .65                      |
| Maihi.....                              | .18                      | .20                        | .25                      |
| Maiko.....                              | .25                      | .28                        | .35                      |
| Mamamu.....                             | .28                      | .32                        | .40                      |
| Manini.....                             | .28                      | .32                        | .40                      |
| Mano (Shark).....                       | .06                      | .08                        | .10                      |
| Mano—Dressed.....                       | .10                      | .12                        | .15                      |
| Mikawa.....                             | .18                      | .20                        | .25                      |
| Moana.....                              | .43                      | .48                        | .60                      |
| Mol.....                                | .45                      | .52                        | .65                      |
| Mu.....                                 | .45                      | .52                        | .65                      |
| Muhue (Cuttlefish).....                 | .32                      | .36                        | .45                      |
| Naenae.....                             | .21                      | .24                        | .30                      |
| Nenne (Eneue).....                      | .28                      | .32                        | .40                      |
| Nohu.....                               | .14                      | .16                        | .20                      |
| Nunu.....                               | .43                      | .48                        | .60                      |
| Oili Lepa.....                          | .34                      | .40                        | .50                      |
| Oio.....                                | .34                      | .40                        | .50                      |
| Omili.....                              | .32                      | .36                        | .45                      |
| Ono.....                                | .32                      | .36                        | .45                      |
| Ono—Steaks.....                         |                          |                            | .60                      |
| Copu.....                               | .32                      | .36                        | .45                      |
| Opae (Shrimp).....                      | .45                      | .52                        | .65                      |
| Opakapaka.....                          | .34                      | .40                        | .50                      |
| Opelu.....                              | .25                      | .28                        | .35                      |
| Opelu—Dried.....                        |                          |                            | .65                      |
| Opili.....                              | .28                      | .32                        | .40                      |
| Opili—Shelled.....                      | .95                      | 1.05                       | 1.25                     |
| Opuhue (Balloon fish).....              | .34                      | .40                        | .50                      |
| Opukai.....                             | .25                      | .28                        | .35                      |
| Opule.....                              | .08                      | .10                        | .13                      |
| Pakii.....                              | .45                      | .52                        | .65                      |
| Pakukui.....                            | .14                      | .16                        | .20                      |
| Palani.....                             | .10                      | .12                        | .15                      |
| Panchon.....                            | .28                      | .32                        | .40                      |
| Panuhunuu.....                          | .32                      | .36                        | .45                      |
| Papio (Small ulua) under 10 pounds..... | .40                      | .44                        | .55                      |
| Panala.....                             | .14                      | .16                        | .20                      |
| Patu.....                               | .28                      | .32                        | .40                      |
| Pubi (Black eel).....                   | .08                      | .10                        | .13                      |
| Pubi (White eel).....                   | .14                      | .16                        | .20                      |
| Uhu.....                                | .25                      | .28                        | .35                      |
| Uku.....                                | .34                      | .40                        | .50                      |
| Ula (Lobster).....                      | .34                      | .40                        | .50                      |
| Ulapapa.....                            | .28                      | .32                        | .40                      |
| Ulua (10 to 20 pounds).....             | .36                      | .40                        | .50                      |
| Ulua (over 20 pounds).....              | .32                      | .36                        | .45                      |
| Ulua—Steaks.....                        |                          |                            | .60                      |
| Ulua—Fillets.....                       |                          |                            | .65                      |
| Ulaula.....                             | .34                      | .40                        | .50                      |
| Uouoa.....                              | .34                      | .40                        | .50                      |
| U'u (Big eye).....                      | .40                      | .44                        | .55                      |
| Ukanipo.....                            | .45                      | .52                        | .65                      |
| Weke (Red or green).....                | .32                      | .36                        | .45                      |
| Woowoo.....                             | .34                      | .40                        | .50                      |
| All fish not listed above.....          | .10                      | .12                        | .15                      |

This amendment shall become effective as of January 14, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. D. 46-4646; Filed, Mar. 20, 1946;  
11:28 a. m.]

## PART 1305—ADMINISTRATION

[Gen. RO 16, Revocation]

## RE-REGISTRATION OF INDUSTRIAL USERS

Subject to Section 5.1 of General Ration Order 8, General Ration Order 16 (Re-Registration of Industrial Users) is revoked.

This order of revocation shall become effective March 25, 1946.

Issued this 21st day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4755; Filed, Mar. 21, 1946;  
11:27 a. m.]

PART 1315—RUBBER AND PRODUCTS AND  
MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220, Amdt. 26]

## CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 220 is amended in the following respects:

A new section designated § 1315.1560c is added to read as follows:

§ 1315.1560c *Industrywide adjustments for reconversion products.* Special pricing provisions applicable to particular products may be established by orders issued under this section when, with respect to the product, the Administrator finds:

(a) That in 1944 its production was approximately one-half or less of its production in its last representative period of peacetime production;

(b) That this reduction in dollar volume resulted from (1) governmental restrictions on the manufacture of products or on the use of materials, facilities, or manpower, or (2) the use of facilities for the production of war goods; or (3) other direct needs of the war effort; and

(c) That because of change in government restrictions or in the needs of the war program, manufacturers of the product generally are able to begin or to increase substantially the production of the product line.

If in the judgment of the Administrator, the purposes of this section will be effectuated, as to a particular product, without any special pricing provisions, an order under this section will not be issued with respect to that product even though the above findings could be made as to it.

Orders under this section, will generally authorize industrywide increases in the established maximum prices of manufacturers in those industries based upon surveys conducted by the Price Administrator, either upon the request of the particular industry or upon his own motion. Those orders will establish adjusted maximum prices or methods of determining such prices by the use of price increase factors. Where, however, in the judgment of the Price Administrator, the use of an industrywide factor will,

by reason of the diversity in the products made by the member firms, the wide variation in cost experience among them, or other reasons be an inequitable and inappropriate means of establishing reconversion prices, he may provide for the calculation and application of individual price increase factors.

Broadly stated the new maximum prices will represent costs experienced during the last period of normal production adjusted for subsequent lawful changes in the level of materials prices and in basic wage rate schedules of factory workers, plus the industry's average peacetime profit margin over cost. Changes in materials prices may be measured by materials cost increase factors, determined by the Administrator, in those cases where such action may be necessary to eliminate temporary or artificial influences. In the case of an industry for which the Administrator has decided that price increase factors should be determined and applied for each firm, the profit element in each increase factor will be the firm's own base period profit margin or one-half the industry's average peacetime margin, whichever is the higher.

Orders issued under this section may also modify or supersede the provisions of Maximum Price Regulation 220 with respect to the establishment of maximum prices if, on the basis of the particular characteristics of the industry involved, the Administrator finds that another method of price determination will effectuate the purposes of this regulation better than the general pricing provisions of the regulation. In addition, those orders may establish new maximum prices or a method of determining new maximum prices for sales by persons other than manufacturers which will supersede maximum prices fixed by other regulations for such sales and which will be consistent with the standards applied by the Office of Price Administration for the reasonable absorption of necessary cost increases.

Orders issued under this section will not ordinarily reduce higher maximum prices which manufacturers have previously established in accordance with the applicable provisions.

A manufacturer of a product covered by an order issued under this section may not obtain an adjustment of his maximum prices under any adjustment provision other than Supplementary Orders Nos. 118 and 119, unless the adjustment provision itself or the order issued under this section covering his product expressly provides otherwise.

Small volume manufacturers may use as their new maximum prices those which they calculate under Supplementary Order No. 118, and general orders issued pursuant thereto, if the maximum prices so calculated are higher than maximum prices set under orders issued under this section. Any other manufacturer may apply for an individual adjustment under Supplementary Order No. 119, if, after the adjustment authorized for his industry by an order under this section, his maximum price still continues eligible for adjustment in accord-

ance with the provisions of that supplementary order.

Orders issued under this section may require a manufacturer to arrange the production and distribution of his products so that they will be representative of his production and distribution in a specified past period for goods in a particular category. The Administrator may also require authorized price increases to be applied among articles or price lines in a manner consistent with the need, under the stabilization program, to maintain the production of lower-priced articles.

This amendment shall become effective March 21, 1946.

Issued this 21st day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4756; Filed, Mar. 21, 1946;  
11:27 a. m.]

#### PART 1346—BUILDING MATERIALS

[MPR 592<sup>1</sup> Incl. Amdts. 1-4]

##### SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

This compilation of Maximum Price Regulation 592 includes Amendment 4, effective March 26, 1946. The text added by Amendment 4 is underscored.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.<sup>2</sup>

#### ARTICLE I—SCOPE OF THIS REGULATION AND PROHIBITIONS

##### Sec.

1. What this regulation covers.
2. Prohibitions against dealing at prices above the maximum.
3. Prohibitions against sales prior to compliance with reporting requirements.
4. Evasion.

#### ARTICLE II—MAXIMUM PRICES

5. Maximum prices for commodities delivered or offered for delivery prior to the effective date of this regulation.
6. Maximum prices for commodities first offered for sale after the effective date of this regulation.
7. First pricing method; minor changes.
8. Second pricing method; line differentials.
9. Third pricing method; competitive prices.
10. Fourth pricing method; commodities which cannot be priced under the first, second or third pricing methods.
11. Discounts, allowances and differentials.
12. Sales pending approval of maximum prices.
13. Revision of maximum prices.
14. Resellers' maximum prices.
15. Notification to purchasers for resale of the manufacturer's maximum prices.

#### ARTICLE III—ADJUSTMENT PROVISIONS

16. Applications for adjustment.
17. Local area adjustments.
18. Government contracts.
19. Adjustable pricing.

#### ARTICLE IV—MISCELLANEOUS PROVISIONS

20. Transfer of business or stock in trade.
21. Records and statements.

<sup>1</sup> 10 F.R. 9101.

<sup>2</sup> Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

##### Sec.

22. Licensing.
23. Area pricing orders.
24. Enforcement.
25. Modification of provisions of this regulation.
26. Petitions for amendment.
27. Federal and State taxes.

#### ARTICLE V—LIST OF COMMODITIES; AND FORMS

28. Commodities covered by this regulation.
29. Form for reporting maximum prices.
30. Form for applications for adjustment.

AUTHORITY: § 1346.706, issued under 56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 8771; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487.

#### ARTICLE I—SCOPE OF THIS REGULATION AND PROHIBITIONS

SECTION 1. *What this regulation covers.*—(a) *Transactions covered.* This regulation applies to all sales by manufacturers of the specified commodities set forth in section 28. Except insofar as maximum prices for sales by persons other than manufacturers are fixed by orders under this regulation, sales by such persons are covered by the General Maximum Price Regulation or other applicable regulation.

"Manufacturer" as used in this regulation means the person who makes the first sale of any commodity listed in section 28, if the article has been completed to the point indicated by the terminology of that section. The term also includes any subsidiary or affiliate, commission salesman, or other agent of such person.

"Person" as used in this regulation means an individual, corporation, partnership, association, any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(b) *Relation to other regulations.*—(1) *The General Maximum Price Regulation and Maximum Price Regulation 188.* This regulation supersedes the General Maximum Price Regulation<sup>3</sup> and Maximum Price Regulation 188<sup>4</sup> with respect to transactions covered by this regulation. This regulation does not, however, apply to transactions which are excluded from the General Maximum Price Regulation by Revised Supplementary Regulation No. 1<sup>5</sup> to the General Maximum Price Regulation and future amendments thereto.

(2) *Exports.* The Second Revised Maximum Export Price Regulation<sup>6</sup> covers export sales and sales to exporters.

(3) *Imports.* The Maximum Import Price Regulation<sup>7</sup> covers purchases, sales or deliveries if they originate outside of the Continental United States.

<sup>3</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11514, 14965.

<sup>4</sup> 10 F.R. 9109, 9928, 10972, 12773, 13450, 13551, 13814.

<sup>5</sup> 10 F.R. 2435, 2479, 2757, 3236, 3947, 4107, 4494, 5458, 7196, 7497, 8241, 8960, 9717, 11364, 12993, 13121, 13825, 14394.

<sup>6</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273, 12919, 14346; 10 F.R. 863, 923, 2432, 6590, 8746, 8611, 9586, 10029, 15348.

<sup>7</sup> 9 F.R. 2350, 7504, 8062, 10925, 12270; 10 F.R. 922, 4265, 13129.

(4) *Installed sales.* Revised Maximum Price Regulation 251<sup>8</sup> (Construction Services and Sales of Installed Materials) covers sales of building materials on an installed basis.

(c) *Geographical applicability.* This regulation applies in the forty-eight States of the United States and the District of Columbia.

SEC. 2. *Prohibitions against dealing at prices above the maximum.* On and after the effective date of this regulation, no manufacturer shall sell or deliver, and no person shall buy or receive in the course of trade or business, any commodity covered by this regulation at a price higher than the maximum price fixed by this regulation, regardless of any contract or other obligation. No person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices may, of course, be charged.

SEC. 3. *Prohibition against sales prior to compliance with reporting requirements.* No manufacturer shall offer to sell, sell, or deliver any commodity which he first offers for sale after the effective date of this regulation, until he has complied with the reporting provisions of this regulation.

SEC. 4. *Evasion.* The price limitations set forth in this regulation shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodities covered by this regulation, or by way of commissions, services, transportation or other charges, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more onerous to buyers than they were during March 1942 (except as specifically permitted by this regulation).

#### ARTICLE II—MAXIMUM PRICES

SEC. 5. *Maximum prices for commodities delivered or offered for delivery prior to the effective date of this regulation.*

(a) *What this section does.* Under this section, maximum prices properly established under Maximum Price Regulation 188 and the General Maximum Price Regulation prior to the effective date of this regulation are continued in effect under this regulation. (Such prices shall continue to be subject to adjustment orders issued by the Office of Price Administration prior to the effective date of this regulation, which have not been revoked.) Paragraph (b) below sets forth the specific pricing provisions applicable to such prices.

(b) The manufacturer's maximum prices for any commodity which he delivered or offered for delivery prior to the effective date of this regulation shall be determined as follows:

(1) If the commodity was delivered or offered for delivery by the manufacturer during March 1942, his maximum price to each class of purchaser shall be the highest price at which he delivered it, or, if he did not deliver it, at which he offered it for delivery during that month to that class of purchaser.

(2) If the commodity was first delivered or offered for delivery by the manu-

<sup>8</sup> 9 F.R. 10200; 10 F.R. 201, 7053, 11709, 14250.

facturer after March 1942, but prior to the effective date of this regulation, his maximum price to each class of purchaser shall be the maximum price to that class of purchaser properly established under Maximum Price Regulation 188 or any other regulation prior to the effective date of this regulation. If he did not have a maximum price properly established under the applicable regulation prior to the effective date of this regulation, his maximum price must be determined under section 6.

(3) If the commodity was delivered or offered for delivery by the manufacturer prior to March 1, 1942, but not during the period March 1, 1942, through July 30, 1945, his maximum price must be determined pursuant to section 6.

(4) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for the same commodities on sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

For example, if in March 1942 the seller's established practice was to sell the same commodity to a group of purchasers at a particular price, that group of purchasers constitutes a "class" to whom the same prices and pricing practices must be continued. Also, if in March 1942 the seller customarily sold or offered to sell the commodity to any purchaser at a price different from the price at which he sold or offered to sell the same commodity to all other purchasers, that purchaser is in a "class" by himself and the same price and pricing practices must be continued for that class. In the absence of any customary differential treatment to particular buyers, such buyers are all members of the larger class to which they belong.

(5) For the purpose of this section a commodity need not be considered to have been delivered or offered for delivery during March 1942 if the manufacturer stopped production thereof 90 or more days prior to March 1, 1942, and if the prices he charged during March 1942 were at least 25 percent less than the last net price at which he delivered the commodity or offered it for delivery when he was still producing it. The maximum price for such a commodity may be determined in accordance with section 6.

**SEC. 6. Maximum prices for commodities first offered for sale after the effective date of this regulation.** This section sets forth the procedure for determining maximum prices of commodities for which maximum prices cannot be determined under section 5. Such commodities shall be considered new or changed commodities. The maximum price for a commodity covered by this section shall be determined in accordance with the first applicable pricing method set forth in sections 7, 8, 9, and 10. Accordingly, a manufacturer may not use any particular pricing method unless he cannot or need not use any of the other methods which precede that method. A maximum price computed under any of these

methods, however, must be consistent with the general level of maximum prices fixed by this regulation and may be approved, disapproved or revised by the Office of Price Administration as hereinafter provided.

**SEC. 7. First pricing method; minor changes—(a) Maximum prices.** The manufacturer's maximum price for a new commodity to each class of purchaser shall be the same as his maximum price for an old commodity produced by that manufacturer for which a maximum price has already been established to that class of purchaser, where:

(1) The new commodity belongs to the narrowest trade category which includes the old commodity for which a maximum price has already been established.

(2) The new commodity has current unit direct costs which do not vary by more than 2 percent from the current unit direct costs of the old commodity.

(3) The old commodity which is used as a basis for pricing, is currently being produced by the manufacturer.

(b) *Optional use of this method.* A manufacturer may, however, if he chooses, also determine his maximum price for a new commodity under this first pricing method in any case in which the current unit direct costs of the new commodity exceed the current unit direct costs of the old commodity by more than 2 percent.

(c) *Definition of current unit direct costs.* Current unit direct costs mean the total of unit costs of direct materials and direct labor, computed on a consistent basis for both the old and the new commodity.

(d) *Reports and approval of maximum prices.* Before offering for sale or delivery a commodity for which maximum prices are determined under this first pricing method, the manufacturer must file a report in duplicate with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., giving a description of the new commodity being priced; a description of the old commodity; the maximum price for the new commodity; and the details of the computation of the maximum price. A proposed maximum price under this first method shall be deemed to be automatically approved upon the mailing of this report, subject to revision by the Office of Price Administration, not to apply retroactively.

**SEC. 8. Second pricing method; line differentials—(a) Maximum prices.** The maximum price of any commodity which cannot or need not be priced under the first pricing method shall, if possible, be determined under this second pricing method. If a manufacturer has established maximum prices for a line of commodities which reflect differentials in size, weight, mesh, specifications or similar physical characteristics, in effect during March 1942, the manufacturer shall determine a maximum price to each class of purchaser for a new article in his line on the basis of his established March 1942 method of calculating such price differentials.

(b) *Reports and approval of maximum prices.* Before offering for sale or delivery a commodity for which maximum

prices must be determined under this second pricing method, the manufacturer must file a report in duplicate with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., setting forth the information required by the form in section 29. A proposed maximum price under this second method shall be deemed to be approved automatically on the expiration of 20 days after the mailing of the report (or on expiration of 20 days after mailing of all additional information which may have been requested) unless within that time the Office of Price Administration notifies the manufacturer that his proposed maximum price has not been approved or that action thereon has been deferred pending receipt of further information. An approved price shall be subject to revision by the Office of Price Administration, not to apply retroactively.

**SEC. 9. Third pricing method; competitive prices—(a) Maximum prices.** The maximum price to each class of purchaser for any commodity which cannot or need not be priced under the first or second pricing method shall be the maximum price, prior to any adjustment, of his most closely competitive seller of the same class for the same kind, grade, quality and quantity of the commodity, to a purchaser of the same class, f. o. b. the point of production.

"Seller of the same class" means a seller (1) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing or repairing), (2) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store), (3) dealing in the same type of commodities and (4) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (i) is selling the same or a similar commodity, and (ii) is closely competitive in the sale of such commodities, and (iii) is located nearest to the seller.

(b) *Reports and approval of maximum prices.* Before offering for sale or delivery a commodity for which maximum prices are determined under this third pricing method, the manufacturer must file a report in duplicate with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., setting forth the information required by the form in section 29. A proposed maximum price under this third method shall be deemed to be approved automatically on the expiration of 20 days after the mailing of the report (or on expiration of 20 days after mailing of all additional information which may have been requested) unless within that time the Office of Price Administration notifies the manufacturer that his proposed maximum price has not been approved or that action thereon has been deferred pending receipt of further information. An approved price shall be subject to revision by the Office of Price Administration, not to apply retroactively.

**SEC. 10. Fourth pricing method; commodities which cannot be priced under the first, second, or third pricing meth-**

ods—(a) *General applicability.* The fourth pricing method shall be used where:

(1) The first, second, and third pricing methods (sections 7, 8 and 9) are not applicable.

(2) The first, second or third pricing method results in a maximum price which is not consistent with the general level of prices established by this regulation.

(3) The use of a formula is required due to the type of commodity manufactured or the number of commodities in a line being manufactured.

(4) A maximum price is required for sales of a commodity to a new class of purchaser.

(b) *Maximum prices.* Maximum prices under this fourth pricing method shall be determined by a comparison of the direct costs and margins proposed for the commodity being priced with costs and margins generally prevailing for comparable commodities produced by that manufacturer or by other manufacturers, so as to result in a maximum price consistent with the general level of prices established by this regulation.

(c) *Reports and approval of maximum prices.* Before offering the commodity for sale the applicant must file an application in duplicate with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C. for specific authorization of a price or pricing method, setting forth the information required by the form in section 29. Authorization of a maximum price under this fourth pricing method will be given in the form of an order prescribing a maximum price or a method of determining the maximum price for the applicant, or for sellers of the commodity generally, including purchasers for resale, or for a class of such sellers.

(d) *Delegation of authority.* The National Office may refer any application filed under this section to the appropriate Regional Administrator. Any Regional Administrator, or any District Director authorized by the appropriate Regional Administrator, may in any case so referred to him, issue orders under this section 10 establishing maximum prices in accordance with its terms.

Sec. 11. *Discounts, allowances, and differentials.*—(a) *Price differentials for existing classes of purchasers.* Every manufacturer shall continue discounts, allowances, including transportation allowances, and other price differentials at least as favorable as those in effect during March 1942.

(b) *New classes of purchasers other than the United States Government or an Allied Government.* Where a manufacturer has established maximum prices for a commodity to certain classes of purchasers, and wishes to determine maximum prices for sales to a new class of purchaser, he shall apply under section 10 for authorization of a maximum price to that new class of purchaser. Before offering the commodity for sale to the new class of purchaser, he shall file the report required by that section.

(c) *Sales to United States Government or an Allied Government.* For a sale to the United States Government or an Allied Government of a commodity for

which a maximum price has not been determined for sales to the class of purchasers to which such government belongs, but for which a maximum price has been determined for sales to purchasers of a different class, such government shall be classed as belonging to the class of purchaser to whom the manufacturer customarily sold the commodity in quantities most nearly equal to the quantity involved in the sale to such government. If the manufacturer customarily sells to more than one class of purchaser in such quantities, the lowest maximum price applicable to sales to such classes of purchasers shall apply.

Sec. 12. *Sales pending approval of maximum prices.* After a report has been filed as required, and pending approval of the proposed maximum price, a manufacturer may offer to sell and accept orders at the proposed maximum price reported to the Office of Price Administration. He shall not, however make deliveries or accept payment until a maximum price has been approved by the Office of Price Administration, except on direct sales to the United States Government or an Allied Government. Until a maximum price has been approved, a notification that the proposed maximum price is subject to the approval of the Office of Price Administration must appear on all quotations and orders covering sales of the commodity. If the price approved by the Office of Price Administration is less than that set forth in the quotations or orders, all such quotations and orders must be changed to the approved maximum price, and in the case of direct sales to the United States Government or an Allied Government, refunds must be made where the price collected exceeds the approved price.

Sec. 13. *Revision of maximum prices.*

(a) *When maximum prices may be revised.* A maximum price originally established in accordance with the provisions of § 1499.154 and sections therein referred to of Maximum Price Regulation 138 or in accordance with the first, second, third, or fourth pricing method (sections 7, 8, 9, or 10 of Maximum Price Regulation 592) may at any time be revised by order (not to apply retroactively):

(1) To make it consistent with the level of maximum prices otherwise established by this regulation.

(2) To reflect savings in indirect costs realized by the manufacturer because of the introduction of the commodity so priced.

[Paragraph (a) amended by Am. 1, 10 F.R. 13449, effective 11-5-45]

(b) *Who may revise maximum prices under this section.* Orders revising maximum prices under this section may be issued by the Price Administrator or by the duly authorized representative who approved or authorized the original maximum price.

Sec. 14. *Resellers' maximum prices.* In connection with the approval or revision of maximum prices for manufacturers under the first, second, third, or fourth pricing methods (section 7, 8, 9, or 10 above), the Office of Price Admin-

istration may issue orders fixing maximum prices for sales by resellers. To the extent that such orders are issued, this regulation supersedes the General Maximum Price Regulation with respect to maximum prices for such resellers.

Sec. 15. *Notification to purchasers for resale of the manufacturer's maximum prices.*—(a) *When notification must be given.* Every manufacturer making sales of any commodity covered by this regulation must on or before the first delivery furnish a statement in writing containing the information set forth in (b) to:

(1) Each purchaser for resale of any commodity the maximum price for which must be determined in accordance with section 6.

(2) Each purchaser for resale of any commodity covered by this regulation (regardless of the section under which the maximum price thereof must be determined) to whom the manufacturer did not sell that commodity prior to July 30, 1945.

(b) *What the statement must contain.* The statement furnished to the purchaser for resale must contain the following:

(1) A description of the commodity and such additional information as may be necessary to identify the commodity on the manufacturer's pricing records and his invoices to purchasers for resale.

(2) The manufacturer's maximum price and terms and conditions of sale fixed for sales to that class of purchaser.

(3) The pricing method or section of the regulation under which the manufacturer's maximum price was established.

(4) Where approval of the maximum price by the Office of Price Administration is required, the date of such approval.

(5) Where authorization by the Office of Price Administration is required, the number of the order authorizing the maximum price and the effective date thereof.

#### ARTICLE III—ADJUSTMENT PROVISIONS

Sec. 16. *Applications for adjustment.*

(a) *Who may adjust maximum prices.* The Office of Price Administration or any duly authorized representative thereof may adjust maximum prices for any of the commodities covered by this regulation as hereinafter provided.

(b) *Who may apply.* Any manufacturer of a commodity covered by this regulation may file an application for adjustment in his maximum prices (setting forth the information required by the form in section 30, in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration) where:

(1) His supply of the commodity could not be replaced if he discontinued production; or

(2) His supply could be replaced only at a price equal to or higher than the requested adjusted maximum price.

(3) Or his over-all operations have been conducted at a loss during his most recent representative accounting period or, where, due to the occurrence of a substantial and continuing change in some element affecting costs and profits, a

projection of his operations clearly shows that he will be immediately operating his over-all business at a loss. Consideration will not be given, however, to losses due to temporary or nonrecurring factors, inadequate plant utilization, illegal wage payments, excessive overhead, selling and other general costs and other unusual factors.

[Subparagraph (3) added by Am. 1, 10 F.R. 13449, effective 11-5-45]

(c) *Amount of adjustment.* The adjustment will generally not be greater than the following:

[Above paragraph amended by Am. 3, 11 F.R. 1209, effective 1-29-46]

(1) An amount sufficient to make the adjusted price equal to manufacturing cost, plus packing cost and shipping cost where delivered prices are quoted or freight is allowed or equalized, where the applicant's current over-all earnings on an annual basis represent an increase of 15 percent or more over his average annual net earnings for the base period years 1936 to 1939, inclusive, adjusted for changes in net worth.

(2) An amount sufficient to make the adjusted price equal to total cost, where the applicant's current over-all earnings on an annual basis do not exceed by 15 percent but are not appreciably less than his average annual over-all earnings during the base period years 1936 to 1939, inclusive, adjusted for changes in net worth.

(3) An amount sufficient to make the adjusted price equal to total cost plus a reasonable net profit on the article or line where the applicant's current over-all earnings on an annual basis are appreciably less than his average annual over-all earnings during the base period years 1936 to 1939, inclusive, adjusted for changes in net worth.

(4) In no event shall an adjustment granted a multiple line producer under subparagraphs (2) and (3) be greater than the total amount necessary to make current over-all earnings equal to 115 percent of base period over-all earnings except that any such adjustment shall at least cover manufacturing cost plus packing cost, and shipping cost where delivered prices are quoted or freight is allowed or equalized. Moreover, where such adjustment includes a reasonable profit on a product or line, the total amount of adjustment shall not be greater than that necessary to make current over-all earnings equal to base period over-all earnings.

(5) Any adjustment granted a manufacturer under paragraph (b) (2) above on the ground that the loss of his production would force his customers to resort to higher priced sources of supply, shall not exceed the amount permitted under subparagraphs (1) to (4), inclusive, and shall be further limited to an amount equal to the difference between his existing maximum price and the selling price of the next higher competitive seller able to supply the applicant's customers.

(6) Any adjustment granted the manufacturer under paragraph (b) (3) above, shall not exceed an amount suf-

ficient to make the adjusted price equal to total cost for the product or line.

[Subparagraph (6) added, former (6) redesignated (7) and amended by Am. 1, 10 F.R. 13449, effective 11-5-45]

(7) If the applicant produces the commodity in a line or series of sizes, meshes or specifications, and if it is not practical to determine the manufacturing cost or total cost, as the case may be, of each size, mesh or specification, a uniform adjustment may be made for the entire line or series. However, any such adjustment for a line or series shall be subject to the limitations in subparagraphs (1) to (6), inclusive, above.

(d) *Meaning of terms used.* In cases where the company was not in business during 1936-1939 and in extremely unusual cases where the period 1936-1939 cannot be considered a representative peacetime period, the Office of Price Administration may make an exception to the use of this base period.

The term "manufacturing cost" means the total of direct materials, direct labor, and manufacturing expenses or factory overhead, applicable to the article.

The term "total cost" means the total of manufacturing cost and reasonable general, administrative, and selling expenses applicable to the article, excluding non-operating expense items and income and excess profits taxes.

The term "over-all earnings" means net profits before income and excess profits taxes experienced on the company's entire operations.

Whenever the applicant is currently operating at a level substantially lower than his normal volume, the overhead items included in "manufacturing cost" and "total cost" may be adjusted to reasonable levels based upon a normal rate of operations.

In evaluating costs, the Office of Price Administration will give consideration to whether they are based on a representative period of normal production.

(e) *Adjustment in resale prices.* In connection with any order granting an adjustment in the manufacturer's price the Office of Price Administration may also adjust the maximum price of any person who resells the article in the same form, to the extent deemed necessary in the judgment of the Price Administrator or his duly authorized representative. To the extent that such an adjustment may be made, this section supercedes the appropriate provisions of the General Maximum Price Regulation.

(f) *Where to apply for an adjustment.* (1) A manufacturer whose total sales exceed \$1,000,000 for his most recently completed fiscal or calendar year, or whose total sales are estimated to exceed \$1,000,000 for his current fiscal or calendar year shall file an application for adjustment under this section with the Office of Price Administration, Building Materials and Construction Price Branch, Washington 25, D. C.

[Subparagraph (1) amended by Am. 1, 10 F.R. 13449, effective 11-5-45]

(2) A manufacturer whose total sales do not exceed the amount described above shall file an application for adjustment under this section with the Regional Office of the Office of Price Ad-

ministration in the region in which is located his principal place of business.

(3) Each Regional Administrator, or any District Director so authorized by the appropriate Regional Administrator, is hereby authorized to act upon, and by order, grant or deny, in whole or in part, an application filed by an applicant whose principal place of business is located in his region or district, irrespective of the location of the applicant's producing facilities. Each Regional Administrator or District Director in granting an adjustment to a manufacturer is authorized to adjust the maximum prices of the resellers of the commodity within all regions.

SEC. 17. *Local area adjustments*—(a) *When adjustments may be made.* The Office of Price Administration or any duly authorized representative may make adjustments in the maximum prices of any commodity listed in paragraph (b) of this section, applicable to all manufacturers of such commodity within a particular community or a defined area, where

(1) All the manufacturers affected by the adjustment order sell within a limited trading area at substantially the same selling prices; and

(2) It appears that in general the maximum prices of such manufacturers are such that their production is impeded or threatened and that it is not practicable to remove that impediment or threat by individual adjustment.

(b) *Commodities covered.* Adjustments under this section may be made for the following commodities:

- (1) Concrete products.
- (2) Ready-mixed concrete.
- (3) Sand, gravel and crushed stone.
- (4) Structural clay products.

(c) *Limitations on adjustments.* Adjustments under this section shall be made only when generally necessary to maintain supply in the particular community or defined area, and shall be limited to the amount necessary to enable manufacturers of that commodity in that community or area generally to supply the commodity. To the extent practicable, the factors and limitations set forth in section 16 shall be considered in making adjustments under this section. In appropriate cases, compensatory decreases in other maximum prices may be required where some maximum prices are increased.

(d) *Delegation of authority.* The Price Administrator, or any Regional Administrator or any District Director who may be authorized by the appropriate Regional Administrator in whose region or district the particular community or defined area is located, may issue orders under this section, and in connection with such adjustments for manufacturers, may in appropriate cases adjust maximum prices for resellers of the commodity in that community or area. Applications for area adjustments under this section shall be filed with the Regional or District Office of the Office of Price Administration for the Region or District in which the particular community or defined area is located.

[Paragraph (d) amended by Am. 2, 10 F.R. 14250, effective 11-24-45]

**SEC. 18. Government contracts.** Any person who has entered into or proposes to enter into a government contract or a subcontract under any such contract, who believes that a maximum price established by this regulation impedes or threatens to impede production of a commodity which is essential to the war program and which is, or will be, the subject of such contract or subcontract, may file an application for adjustment of that maximum price in accordance with the provisions of Procedural Regulation No. 6, issued by the Office of Price Administration.

**SEC. 19. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price. The authorization will be given by order.

#### ARTICLE IV—MISCELLANEOUS PROVISIONS

**SEC. 20. Transfers of business or stock in trade.** If the business, assets or stock in trade of any business are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodities or services in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

**SEC. 21. Records and statements.** Every manufacturer making sales of any commodity covered by this regulation in an amount of \$200 or more in any one calendar month must comply with the following provisions for keeping price records and for maintaining statements of maximum prices.

(a) **Records.** Each such manufacturer must preserve for examination by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect the following:

(1) All his records regarding his prices and pricing methods for commodities delivered or offered for delivery during March 1942.

(2) Records relating to the prices he charged for such commodities as he sold after March 1942 showing as precisely as possible the basis upon which he determined maximum prices for those commodities, including copies of his correspondence with the Office of Price Administration and the letters and orders he received from the Office of Price Administration relating to such maximum prices.

(3) Records relating to sales made after the effective date of this regulation of commodities covered by this regulation, showing for each such sale, the date thereof, the name and address of the purchaser, the quantity sold and the price charged.

(b) **Statements of maximum prices.**

(1) Each such manufacturer must prepare and keep for examination by any person during ordinary business hours, a statement showing:

(i) His maximum prices to purchasers of each class of every commodity covered by this regulation which he sells or offers for sale.

(ii) An adequate description of each such commodity.

(iii) All of his customary allowances, discounts and other price differentials.

(2) The manufacturer must prepare this statement within 30 days of the date that his maximum price for a commodity is first established under this regulation. If he has previously prepared a statement of maximum prices under the General Maximum Price Regulation or Maximum Price Regulation 188, and his maximum prices have not changed under this regulation, he need not prepare another statement. The manufacturer must also prepare an appropriate supplement to the statement within 10 days after any change in his maximum price is authorized by the Office of Price Administration.

(3) Any manufacturer who claims that substantial injury would result to him from making such statement available to any other person may file it with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this regulation.

**SEC. 22. Licensing.** The provisions of Licensing Order No. 1,<sup>9</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 23. Area pricing orders.** (a) The Price Administrator may, and each Regional Administrator of the Office of Price Administration or any District Director who may be authorized by the appropriate Regional Administrator is authorized to issue and put into effect orders establishing manufacturers' maximum prices for commodities covered by

this regulation applicable to a particular community or a defined area. In connection with the issuance of such orders fixing maximum prices for manufacturers, the Price Administrator, each Regional Administrator or District Director may also fix the maximum prices for all resellers of such commodities in the particular community or defined area. Area orders under this section shall supersede other sections of this regulation to the extent provided in such orders. Such orders issued by Regional Administrators or District Directors shall have the same force and effect as if issued by the Price Administrator. To the extent that such orders fix maximum prices for resellers, this section supersedes the General Maximum Price Regulation.

(b) Regional Administrators or District Directors shall observe the following standards in issuing orders under this section.

(1) Maximum prices shall be set forth in dollars-and-cents amounts unless this shall clearly appear to be impractical or inappropriate.

(2) Maximum prices thus set forth shall not exceed the general level of prices as fixed by this regulation.

(c) Orders issued under this section shall be filed with the Division of the Federal Register.

[Sec. 23 amended by Am. 2, 10 F.R. 14250, effective 11-24-45]

**SEC. 24. Enforcement.** (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) If a manufacturer fails to keep the records required by Section 21 or if such records are incorrect, or if he fails to report proposed maximum prices where required to do so, the Office of Price Administration may issue an order establishing maximum prices for his sales of commodities covered by this regulation which are consistent with the level of prices fixed by this regulation. The issuance of any such order will not relieve the manufacturer of his obligations to comply with the record keeping and reporting requirements of this regulation, or of the various penalties for any failure to do so.

**SEC. 25. Modification of provisions of this regulation.** The provisions of Maximum Price Regulation No. 592, as applied to the commodities subject thereto may be modified by order under this section.

**SEC. 26. Petitions for amendment.** Any person seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.<sup>10</sup>

**SEC. 27. Federal and State Taxes.** Any tax upon, or incident to, the sale or delivery of any of the commodities covered by this regulation, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in de-

<sup>9</sup> 8 F.R. 13240.

<sup>10</sup> 9 F.R. 10476, 13715; 10 F.R. 11295.

termining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however*, That for purposes of determining the applicable maximum price of any product covered by this regulation, the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall be treated as though it were an increase of 3 percent in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

#### ARTICLE V—LIST OF COMMODITIES; AND FORMS

##### SEC. 28. Commodities covered by this regulation.

Acoustical products and accessories.  
Aggregates, concrete and masonry:  
Sand.  
Gravel.  
Crushed stone.  
Other; natural, by-product, and processed.  
Asbestos-cement products (except as covered by MPR 466):  
Shingles and accessories.  
Siding and accessories.  
Flat sheets and accessories.  
Corrugated sheets and accessories.  
Wallboard and accessories.  
Tileboard and accessories.  
Insulating asbestos-cement board and accessories.  
Asbestos-cement pipe:  
Electrical.  
Asphaltic concrete and bituminous paving mixes.  
Asphaltic concrete products.  
Asphalt floor tiles (and accessories) (except as covered by MPR 276).  
Asphalt and tarred roofing products (except as covered by RPS 45):  
Roll roofing.  
Siding (asphalt felt base).  
Shingles (asphalt).  
Roof coatings and cement.  
Emulsified asphalt (building materials).  
Asphalt and tarred felts.  
Slater's felts.  
Asphalts and tarred saturated building papers.  
Bituminous coated steel sheets:  
Flat.  
Corrugated.  
V-crimp.  
Chemical porcelain.  
Cinders.  
Clays, merchant: Fire, shale and common; crude and ground.  
Clay products, structural:  
Building brick—common, face, floor, sewer and adobe; glazed, unglazed and vitrified.  
Building tile—structural and facing; load-bearing and nonloadbearing; glazed and unglazed.  
Clay mortar mix.  
Conduit, filter block, liners, and underdrain.

Paving brick.  
Structural terra cotta.  
Clay products, miscellaneous:  
Drain tile.  
Floor, quality, roofing and wall tile.  
Chemical stoneware.  
Concrete products:  
Masonry units—all size blocks, bricks, slabs and joists.  
Precast—stone, terrazzo, art marble, and specialties.  
Tile—floor, roofing and staves.  
Tanks—septic, water, storage, laundry, and catch basins.  
Pipe—sewer, water, culvert, drain and irrigation.  
Posts—fence, piles, and cribbing.  
Vaults—grave, mausoleum liners.  
Concrete, ready-mixed.  
Decorated tile board, synthetic fibre board:  
Plain.  
Tile.  
Mouldings.  
Dimension and building stones:  
Basalt and related stones.  
Granite—building, ornamental and monumental.  
Greenstone—interior, or exterior building, structural, ornamental, and monumental.  
Limestone—building, ornamental, and monumental.  
Marble—building, structural, and decorative slabs, grave vaults, ornamental and monumental.  
Rifrap.  
Rough stone—rubble, cobble, field and flagging.  
Sandstone—building, structural, ornamental, floor and flagging, (including blue-stone and brownstone).  
Slate—structural, electrical, grave vaults, mausoleum, roofing, floor, and flagging.  
Soapstone—interior or exterior building, structural, laboratory, chemical work, electrical, laundry, and kitchen sinks, ornamental and monumental.  
Glass products:  
Plate (all types).  
Window (all types).  
Laminated.  
Picture.  
Rolled, figured, wired, and rolled heat absorbing (except as covered by MPR 175).  
Colored sheet and opalescent.  
Cathedral glass.  
Structural and architectural.  
Glass blocks.  
Other glass insulation products.  
Gypsum:  
Crude (except for agricultural purposes).  
Calcined gypsum plasters (plain or formulated).  
Calcined gypsum products.  
Partition tile.  
Partition tile mortar.  
Structural shapes.  
Metal bound roof plank.  
Precast roof tile.  
Poured gypsum roof deck materials.  
Gypsum board:  
Wall board (Plain, decorated).  
Lath:  
Sheathing (plain, weatherproofed).  
Liner board.  
Tile board.  
Joint systems.  
Laminated (gypsum board only).  
Hard density synthetic fibre boards.  
Insulated brick or stone siding (and accessories).  
Insulation board (fibre and other):  
Acoustical.  
Industrial.  
Plank and tile—natural and plain, colored and painted, textured, veneered.  
Roof insulation.  
Sheathing.

Wall board—natural and plain, colored and painted, textured, veneered.  
Laminated fibre boards.  
Laminated boards (combinations of any of the following products: Gypsum, fibre insulation, laminated fibre, hard-density, asbestos-cement and impregnated felt base products).  
Lime (except agricultural lime as covered by MPR 386):  
Construction.  
Metallurgical.  
Chemical.  
Plaster.  
Ready-mixed mortar and putty.  
Metal lath and accessories.  
Magnesite floor materials.  
Monuments and memorials:  
Granite.  
Greenstone.  
Limestone.  
Marble.  
Sandstone.  
Soapstone.  
Mortar—Ready mixed.  
Pipe and boiler insulations:  
Cellular.  
Laminated.  
Solid.  
Asbestos rollboard.  
Asbestos millboard.  
Asbestos paper.  
Mineral or glass wool.  
85% Magnesia, molded or cement.  
High temperature, molded or cement.  
Pipe and Conduit Products (synthetic composition).  
Refractories:  
Ganister rock.  
Fireclay refractories.  
Silica refractories.  
Basic refractories (except as covered by MPR 416).  
Special refractories.  
High-temperature mortars.  
Sand, gravel, and crushed stone—industrial:  
Sand: Raw, silica, glass and other melting sands, blasting, foundry, traction, grinding (except abrasive grain as covered by MPR 327), refractories and filter.  
Gravel: Ballast, roofing and filter.  
Crushed stone: Ballast, metallurgical and chemical.  
Sand lime brick.  
Slag.  
Stucco:  
Exterior.  
Interior.  
Talc (including steatite), pyrophyllite and ground soapstone:  
Crude.  
Ground.  
Talc crayons:  
Natural sawed.  
Pressed or extruded.  
Thermal insulations for buildings and industrial purposes (except as covered by MPR 544 and MPR 327):  
Rigid.  
Semi-rigid.  
Loose.  
Granulated.  
Vitrified clay sewer pipe and allied products (except as covered by RMPR 206):  
Channel pipe, perforated and nonperforated.  
Conduit, filter block, floor tile, liner plates, segment block, and underdrain.  
Drain tile (pressed).  
Flue lining, chimney pipe, and specials.  
Meter boxes, septic tanks and wall copings.  
Sewer pipe, perforated and non-perforated; bell spigot and butt joint.  
Sewer pipe fittings and specials.  
Vitreous enamel frit.

[Sec. 28 amended by Am. 4, effective 3-26-46]

## SEC. 29. Form for reporting maximum prices.

OPA Form Budget Bureau No. 08-R1284.1  
678-2274

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Report of Determination of Maximum  
Prices for New Articles under sections 8, 9,  
and 10 of Maximum Price Regulation No. 592.Name of firm.....  
Address.....  
Name of Article being priced.....File this report in duplicate with the Building Materials Price Branch,  
Office of Price Administration, Washington 25, D. C.

When this form should be used. Sections 7, 8, 9, and 10 of Maximum Price Regulation No. 592 provide maximum prices for new articles first offered for sale after the effective date of the regulation. Maximum prices must be determined in accordance with the first of the pricing methods specified which is applicable. Under the first pricing method (section 7), covering "minor changes" in an article, this form is not applicable. Reports shall be filed on this form for prices determined under the second, third, and fourth pricing methods (sections 8, 9, and 10). Note that under the second and third methods a price shall be deemed to be approved, unless contrary notification is received from the Office of Price Administration, within 20 days after the filing of the report or such additional information as may be required. A price shall not be in effect under the fourth method until an order prescribing a maximum price is issued by the Office of Price Administration.

Check pricing method to be used: ☐ Second method. Answer parts I and II.  
☐ Third method. Answer parts I and III.  
☐ Fourth method. Answer parts I and IV.

## PART I—REQUESTED PRICES

Submit this information regardless of which method is used

- (1) Describe article being priced.....
- (2) If this article has been produced, indicate when production began.....
- (3) Requested prices and discounts by class of customers to whom you wish to sell or by quantities sold. (Specify fully the prices, discounts, terms and charges requested for each class of customer to whom you intend to sell. If you will grant trade discounts supply the gross price and the trade discount. If cash discounts will be offered, specify the amount and terms. If quantity discounts are contemplated, specify the amount granted for each quantity. If you grant no discount write "None" in the applicable space. The price authorization will specify classes of customers and terms of sale in the light of information supplied in this section.)

| Class or customer | Gross or list price | Trade discount | Cash discount |       | Quantity discount |          |
|-------------------|---------------------|----------------|---------------|-------|-------------------|----------|
|                   |                     |                | Amount        | Terms | Quantity          | Discount |
| Jobber            | \$                  |                |               |       | Less than         |          |
| Dealer            |                     |                |               |       | From              |          |
|                   |                     |                |               |       | To                |          |
| Contractor        |                     |                |               |       | From              |          |
|                   |                     |                |               |       | To                |          |
| Retailer          |                     |                |               |       | From              |          |
|                   |                     |                |               |       | To                |          |
| Other (specify)   |                     |                |               |       | Unit of sale      |          |

(4) Requested delivery practice (indicate whether f. o. b. plant, delivered, full freight allowed or partial freight allowance, if the latter specifying amounts).

## PART II—SECOND PRICING METHOD—LINE DIFFERENTIALS

A manufacturer who has established maximum prices for a line of commodities which reflect differentials in sizes, weight, mesh, specifications, or similar physical characteristics, in effect in March 1942, shall determine a maximum price to each class of purchaser for a new article on the basis of his established March 1942 method of calculating such price differentials. If additional space is needed, attach a supplementary sheet.

- (1) Describe products in your line for which maximum prices have been established. Maximum price of each product
- (a) ..... \$.....
- (b) ..... \$.....
- (c) ..... \$.....
- (d) ..... \$.....

(2) Method under which differentials in your prices were computed in March 1942 and details of the application of this method to the computation of your requested price for your new item.....

(3) Conditions of sale applicable to your line (where the discounts and transportation practices heretofore established for sale of your line are identical with those listed in Part I in connection with your new article, write "same" in this space; where there are differences indicate in detail).

## PART III—THIRD PRICING METHOD—COMPETITIVE PRICE

If you cannot or need not price under the first or second pricing methods you shall use this method if you can price by comparison with similar articles sold by your closest competitor. The price to each class of purchaser shall be the maximum price, prior to any adjustment, of your most closely competitive seller of the same class for the same kind, grade, quality, and quantity of the commodity to a purchaser of the same class, f. o. b. the point of production. If comparison is made with articles sold by more than one competitor, submit information, identical with that requested below, for other sellers on a supplementary sheet.

Supply the following information for a similar article manufactured by your closest competitor of the same class:

- (1) Name of competitive manufacturer.....  
Address—Number and street.....  
City and State.....
- (2) Physical Description of Competitive Article.....

(3) Where available, the maximum price, f. o. b. plant, prior to any adjustment, and conditions of sale applicable to competitive article (set forth here the same kind of information relating to your competitor's price, discounts and transportation practices as is required in Part I in connection with your new article; note that the price reported should not include any adjustment which may have been permitted by the OPA).....

(4) Reasons why you consider competitive seller to be of the same class.....

(5) Your expected volume of production during first three months of operation.....

## PART IV—FOURTH PRICING METHOD—COSTS

The fourth pricing method is usually applicable only when the first three pricing methods cannot be used. Check your reasons for not pricing under other pricing methods of this regulation:

- ☐ New business started on....., 194., and you cannot price on a competitive basis.
- ☐ In business in March 1942 but you have no March 1942 method of calculating price differentials and you cannot price on a competitive basis.
- ☐ Other (specify and explain).....

The OPA will try to establish a price for you by studying your unit direct labor and direct material costs. The following questions relate to unit cost data for your new article and for an article produced by you which is comparable to your new article, if you produce such an article. A comparable article is one which has the same general use as the article being priced and is recognized in the industry as being of the same general type of product even though different materials and construction are used. The comparable article used must be the one in your line whose unit direct material and direct labor cost is closest to that of the new article. Costs shall be computed for both the new article and the comparable article in accordance with current conditions as of the same time. Costs of material must be based upon prices which are not in excess of those permitted by the applicable OPA regulations. Wage rates must be approved by the War Labor Board, where such approval is necessary.

- (1) Are current unit costs based upon: (Check one)  
☐ Actual production records—Unit production upon which costs are based.....  
☐ Estimates. If estimates are employed explain basis.....
- (2) Specify production unit used in this calculation (per 1,000, cubic yard, ton, etc.).....
- (3) Current direct materials and direct labor cost (excluding overtime) on new article being priced:

| Major materials used                                                  | Your cost |      | Quantity used per unit of product | Cost per unit of product |
|-----------------------------------------------------------------------|-----------|------|-----------------------------------|--------------------------|
|                                                                       | Dollars   | Unit |                                   |                          |
| (a) .....                                                             | \$.....   |      |                                   | \$.....                  |
| (b) .....                                                             |           |      |                                   |                          |
| (c) .....                                                             |           |      |                                   |                          |
| (d) .....                                                             |           |      |                                   |                          |
| (e) .....                                                             |           |      |                                   |                          |
| (f) All other direct materials in addition to those listed above..... |           |      |                                   |                          |
| Total unit direct material cost.....                                  |           |      |                                   |                          |
| Total unit direct labor cost.....                                     |           |      |                                   |                          |
| Total unit direct material and labor cost.....                        |           |      |                                   |                          |

(4) Current direct material and direct labor cost (excluding overtime) on comparable article, if any:

| Major materials used                                                     | Your cost |      | Quantity used per unit of product | Cost per unit of product |
|--------------------------------------------------------------------------|-----------|------|-----------------------------------|--------------------------|
|                                                                          | Dollars   | Unit |                                   |                          |
| (a) .....                                                                | \$.....   |      |                                   | \$.....                  |
| (b) .....                                                                |           |      |                                   |                          |
| (c) .....                                                                |           |      |                                   |                          |
| (d) .....                                                                |           |      |                                   |                          |
| (e) .....                                                                |           |      |                                   |                          |
| (f) All other direct materials in addition to those listed above.....    |           |      |                                   |                          |
| Total unit direct material cost.....                                     |           |      |                                   |                          |
| Total unit direct labor cost.....                                        |           |      |                                   |                          |
| Total unit direct material and labor cost.....                           |           |      |                                   |                          |
| Maximum selling price prior to any adjustment of comparable article..... |           |      |                                   |                          |

(5) Indicate class of purchaser to which the above "comparable article" price applies and all discounts and allowances permitted and transportation practices followed on the sale of this commodity.....

(6) Indicate differentials from the "comparable article" price applicable in the sale to other classes of purchasers.....

(7) If an increase in the maximum selling price of this "comparable article" has been permitted by the Office of Price Administration, identify order granting increase.....

(8) Physical description of your comparable article.....

If you have a comparable article whose unit direct labor and direct material cost is within 25 percent of such cost on the new article and have furnished the information called for above, you may omit the following information. Otherwise, the following information should be supplied.

(9) Indirect cost per unit of new article.

| Type of expense                 | Amount per unit | Explain basis of allocation |
|---------------------------------|-----------------|-----------------------------|
| Factory overhead.....           | \$.....         | .....                       |
| Selling.....                    | .....           | .....                       |
| Administrative and General..... | .....           | .....                       |
| Other (specify).....            | .....           | .....                       |
| Total.....                      | .....           | .....                       |

(10) Total unit cost to make and sell on your new article (summation of your unit direct material and labor cost and your indirect cost per unit) \$.....

(11) Profit and loss statement. These data should cover your entire operations for your most recent annual period. If such data are no longer representative of current operations, a shorter period should also be submitted of at least three months duration.

Indicate period used..... If this information has been previously supplied to the Office of Price Administration check..... If so, you are not required to file again.

1. Gross sales..... \$.....
2. Less: Returns and allowances, including freight.....
3. Net sales.....
4. Cost of goods sold.....
- A. Direct materials used..... \$.....
- B. Direct labor.....
- C. Factory overhead.....
- D. Net change in work in process and finished inventories.....
- E. Cost of goods sold.....
5. Gross profit.....
6. Selling expense..... \$.....
7. Administrative and general expenses.....
8. Total selling, administrative, and general expenses.....
9. Net operating profit.....
10. Other income and other expense—Net.....
11. Net profit before provision for income and excess profits taxes.....

I certify that the information contained herein is correct to the best of my knowledge. Sign here.....

Name..... Title..... Date.....

### SEC. 30. Form for applications for adjustment.

OPA FORM  
678-2275

Approval waived by  
the Budget Bureau

Name of Firm.....  
Address.....

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Application For Adjustment of Maximum Prices for Specified Construction Materials and Refractories Under section 16 of Maximum Price Regulation No. 592.

Where to Apply: If your total sales for all commodities for your most recently completed calendar or fiscal year exceed \$200,000 or if such total sales for your current fiscal or calendar year are estimated as likely to exceed \$200,000, your application must be filed with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C. If your total sales on the same basis as above are less than \$200,000 you must file with the Regional Office of the Office of Price Administration in which is located your principal place of business.

Supply the following facts to the Office of Price Administration in support of your application:

#### PART 1305—ADMINISTRATION

[Rev. Gen. RO 5; Amdt. 1 to Supp. 1]

#### FOOD RATIONING FOR INSTITUTIONAL USERS

Supplement I to Revised General Ration Order 5 is amended by adding a new paragraph (f) to § 1305.203 to read as follows:

(f) December use factors for services of refreshments only:

|                                                                                     | Refreshment<br>December<br>use factor<br>(per cent) |
|-------------------------------------------------------------------------------------|-----------------------------------------------------|
| Sugar:                                                                              |                                                     |
| 1. If month used in determining the base under this order was after April 1942..... | 80                                                  |
| 2. If month used in determining the base was April 1942 or earlier.....             | 48                                                  |

<sup>1</sup> 11 F.R. 132.

This amendment shall become effective March 25, 1946.

Issued this 21st day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4754; Filed, Mar. 21, 1946; 11:27 a. m.]

#### PART 1445—LIVESTOCK

[MPR 574, Amdt. 5]

#### LIVE BOVINE ANIMALS (CATTLE AND CALVES)

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously

#### PART I

1. General description of your company's business.
2. Designate and describe the commodities for which increases in price are requested.
3. Itemize the price increases requested, showing present and requested maximum prices, together with terms and conditions of sale.
4. Present any evidence you may possess showing either:
  - (a) Your supply of the commodity could not be replaced if you discontinued production; or
  - (b) Your supply could be replaced only at a price equal to or higher than the requested adjusted price.
5. Indicate whether products similar to that upon which adjustment is requested are manufactured by competitors in your region. If so, give names and addresses of competitors and, where available, their prices for such products.
6. If an increase in your maximum price is approved, indicate whether the increase will be absorbed by purchasers of your products. If not, describe subsequent distributive levels and such knowledge as you have of margins over cost in the resale of your product. Attach a list of 5 of your customers who purchase for resale the products upon which an increase is requested.

#### PART II

Important. If you have submitted any of the following information on OPA Financial Reporting Forms A and B for certain periods or have furnished same on any other OPA questionnaire, you may omit these periods in your present report.

1. Regularly prepared balance sheets, statements of profit and loss, and analysis of surplus reflecting total company operations for the fiscal years 1938-1939, inclusive. (NOTE: The filing of these data is optional, provided reports are available from the Bureau of Internal Revenue. Should you prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue.)

2. Statements of profit and loss reflecting entire company operations for the fiscal years 1941, 1943, succeeding years, and for the latest available accounting period. These statements should include a complete breakdown of the cost of goods produced and sold and of selling, administrative and general expenses.

3. Where you produce and sell products other than those upon which adjustments are requested: Statements of profit and loss for the fiscal years 1941, 1943, succeeding years, and for the latest available accounting period reflecting the operations of each plant of the company where the products for which adjustments are requested are produced. These statements must clearly indicate by segregation the production cost of such products and other operations conducted at the plant and should include a complete breakdown of the cost of goods produced and sold and of selling, administrative and general expenses. The basis used in all allocations made to the products under review should be explained.

4. A statement of the total volume of production and total volume of sales for the products for which adjustments are requested for each of the periods mentioned in (3) above. The volume should be stated in the units of measurement customarily used in your particular industry, and should show unit quantities applicable to all inventory adjustments with a complete reconciliation between units produced and units sold.

5. Balance sheets as of the close of the fiscal years 1941, 1943, succeeding years, and at the close of business for the latest available accounting period together with analyses of the changes in surplus.

6. Where measurable increases in costs (e. g. War Labor Board approval of increased wages or an advance in the price paid for fuel) have occurred during your latest accounting period or subsequent thereto, such increases may be given consideration. Compute in detail the additional increase in your costs, above the costs reported in the latest accounting period, which would have been incurred if the increase had been in effect since the first day of your latest accounting period.

I certify that the information contained herein is correct to the best of my knowledge. Sign here.....

Name..... Title..... Date.....

Effective date. This regulation shall become effective July 30, 1945. [Maximum Price Regulation 592 originally issued July 23, 1945]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Issued this 21st day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4758; Filed, Mar. 21, 1946; 11:26 a. m.]

herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 574 is amended in the following respects:

1. In section 13 (b) (1) the description of Zone 5 is amended to read as follows:

Zone 5: North Dakota, Nebraska, but excluding the City of Omaha; South Dakota, but excluding the City of Sioux Falls; Kansas, but excluding the cities of Kansas City and Leavenworth.

2. In Section 13 (b) (1) the description of Zone 9 is amended to read as follows:

Zone 9: Missouri, but excluding the cities of Kansas City, St. Joseph and St. Louis.

The City of Leavenworth, Kansas is also included in this zone.

This amendment shall become effective for the accounting periods beginning on and after March 1, 1946.

Issued this 21st day of March 1946.

PAUL A. PORTER,  
Administrator.

Approved: March 12, 1946.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 46-4757; Filed, Mar. 21, 1946;  
11:27 a. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 9 to Supp. 4]

##### CORN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Subdivision (ii) of section 10 (c) (4) is amended to read as follows:

(ii) 6¾ cents per bushel to a feeder in Area B in lots of not more than 5,000 pounds.

This amendment shall become effective March 19, 1946.

Issued this 19th day of March 1946.

PAUL A. PORTER,  
Administrator.

Approved: March 15, 1946.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 46-4600; Filed, Mar. 19, 1946;  
4:36 p. m.]

#### Chapter XXIII—War Assets Corporation<sup>1</sup>

[SPA Reg. 1, Amdt. 2]

##### PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Surplus Property Administration Regulation 1, November 10, 1945, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located within the Continental United States, Its Territories and Possessions", as amended through March 7, 1946 (10 F.R. 14064, 11 F.R. 2602), is hereby further amended as follows:

1. Section 8301.2 is amended by the addition of a new paragraph to be designated (h) which shall read as follows:

(h) *Structures and improvements which have been declared surplus and are to be demolished: War Department.* The War Department is hereby designated as the disposal agency for structures and improvements which are located upon land owned by the Government or in which the Government has

an interest, which have been declared surplus and assigned to a disposal agency with the land or any interest therein, and which such disposal agency has determined are to be demolished. Upon making such determination such disposal agency shall forward to the War Department, Office of the Chief of Engineers, Washington 25, D. C., a declaration of surplus covering such property, and shall at the same time furnish a copy thereof to the Administrator.

2. Section 8301.15 is amended to read as follows:

§ 8301.15 *Withdrawals; personal property.* With the consent of the disposal agency, an owning agency may withdraw personal property which it has declared surplus and for which a declaration has been transmitted to such disposal agency pursuant to this part. Such withdrawals shall be made without reimbursement and on the forms prescribed by Order 3 under this part.

This amendment shall become effective March 16, 1946.

E. B. GREGORY,  
Lieutenant General, A. U. S.,  
Chairman, Board of Directors,  
War Assets Corporation.

MARCH 16, 1946.

[F. R. Doc. 46-4772; Filed, Mar. 21, 1946;  
11:39 a. m.]

#### TITLE 47—TELECOMMUNICATION

##### Chapter I—Federal Communications Commission

##### PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

##### CLEAR CHANNELS: CLASS I AND II STATIONS

The Commission in meeting on March 13, 1946, effective immediately, amended subparagraph (c) of § 3.25 to read as follows:

§ 3.25 *Clear channels; Class I and II stations.* \* \* \*

(c) For Class II stations which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border; *And provided*, That such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 690, 740, 860, 990, 1010<sup>a</sup>, and 1580 kilocycles.

(Sec. 303 (a), 48 Stat. 1082; sec. 303 (b), 48 Stat. 1082; sec. 303 (d), 48 Stat. 1082; sec. 303 (r), 48 Stat. 1082; 47 U.S.C. 303 (a), 303 (b), 303 (d), 303 (r))

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 46-4737; Filed, Mar. 21, 1946;  
10:18 a. m.]

<sup>a</sup> A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

#### Notices

##### FEDERAL POWER COMMISSION.

[Docket No. IT-5915]

PENNSYLVANIA WATER & POWER CO.

ORDER FURTHER POSTPONING HEARING

MARCH 19, 1946.

Upon consideration of the petition for continuance filed on March 14, 1946, by Pennsylvania Water & Power Company for a postponement of the hearing in the above-entitled matter to April 15, 1946; and it appearing to the Commission that:

Good cause has been shown for a postponement as hereinafter ordered; The Commission orders that:

The hearing in the above-entitled matter now set for March 25, 1946, be and the same is hereby postponed to April 15, 1946, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 46-4727; Filed, Mar. 21, 1946;  
10:07 a. m.]

##### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5736]

AUSSENHANDEL-FINANZIERUNGS, G. M. B. H.

In Re: Bank accounts owned by Aussenhandel-Finanzierungs, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Aussenhandel-Finanzierungs, G. m. b. H., the last known address of which is Behrenstrasse 47, Berlin, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Aussenhandel-Finanzierungs, G. m. b. H., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Aussenhandel-Finanzierungs, G. m. b. H., and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Aussenhandel-Finanzierungs, G. m. b. H., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Aussenhandel-Finanzierungs, Ges. m. b. H., Sub-account, Client's Depot G. R. No. 6 Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the afore-

<sup>1</sup> Successor to the Surplus Property Administration.

said national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 29, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4676; Filed, Mar. 20, 1946;  
11:36 a. m.]

[Vesting Order 5759]

BRINKMANN WIRTZ & CO.

In re: Bank accounts owned by Brinkmann, Wirtz & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Brinkmann, Wirtz & Co., the last known address of which is Post-schliessfach 744, Hamburg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Brinkmann, Wirtz & Co.,

by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, Account Number 1358, entitled M. M. Warburg & Co., and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Brinkmann, Wirtz & Co., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a bills payable register account, entitled M. M. Warburg & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 29, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4677; Filed, Mar. 20, 1946;  
11:36 a. m.]

[Vesting Order 5779]

CHEMNITZER BANKVEREIN

In re: Bank account owned by Chemnitzer Bankverein.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Chemnitzer Bankverein, the last known address of which is Chemnitz, Saxony, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Chemnitzer Bankverein, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Bills Payable Register Account, entitled Chemnitzer Bankverein, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 1, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4678; Filed, Mar. 20, 1946;  
11:36 a. m.]

[Vesting Order 5781]

#### CREDIT UND HANDELSBANK

In re: Bank account owned by Credit und Handelsbank.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Credit und Handelsbank, the last known address of which is Berlin, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Credit und Handelsbank, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Bills Payable Register Account, entitled Credit & Handelsbank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may,

within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 1, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4679; Filed, Mar. 20, 1946;  
11:36 a. m.]

[Vesting Order 5782]

#### DAI-ICHI GINKO, LTD.

In re: Bank account owned by Dai-Ichi Ginko, Ltd.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Dai-Ichi Ginko, Ltd., the last known address of which is 1-Chome, Marunouchi, Kojimachi-ku, Tokyo, Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Dai-Ichi Ginko, Ltd., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Bills Payable Register Account, entitled Dai Ichiginko, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of

the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 1, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4680; Filed, Mar. 20, 1946;  
11:36 a. m.]

[Vesting Order 5802]

#### F. & K. ENGINEERING CO.

In re: Bank account owned by R. G. Forster, doing business as F. & K. Engineering Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That R. G. Forster, doing business as F. & K. Engineering Co., whose last known address is 890 Higashi 2, Chome Magome-Machi, Omuri-ku, Tokyo, Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to R. G. Forster, doing business as F. & K. Engineering Co., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, Account Number 1013, entitled F. & K. Engineering Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 1, 1946.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4681; Filed, Mar. 20, 1946;  
11:36 a. m.]

[VESTING ORDER 5807]

GIROZENTRALE SACHSEN-OEFFENTLICHE  
BANKANSTALT

In re: Bank accounts owned by Girozentrale Sachsen-oeffentliche Bankanstalt.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Girozentrale Sachsen-oeffentliche Bankanstalt, the last known address of which is Postfach 389, Dresden A 1, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Girozentrale Sachsen-oeffentliche Bankanstalt, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Girozentrale Sachsen, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Girozentrale Sachsen-oeffentliche Bankanstalt, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled Girozentrale Sachsen, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 5, 1946.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4682; Filed, Mar. 20, 1946;  
11:37 a. m.]

[Vesting Order 5812]

HAMBURG-BREMER FEUERVERSICHERUNGSGESELLSCHAFT

In re: Bank account owned by Hamburg-Bremer Feuerversicherungsgesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hamburg-Bremer Feuerversicherungsgesellschaft, the last known address of which is Heuberg 4, Hamburg 36, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hamburg-Bremer Feuerversicherungsgesellschaft, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, Account Number 906, entitled Hamburg-Bremer Feuerversicherungsgesellschaft, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges, or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request

for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 5, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4683; Filed, Mar. 20, 1946;  
11:37 a. m.]

[Vesting Order 5817]

WILLIAM C. F. HELM

In re: Bank account owned by William C. F. Helm.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That William C. F. Helm, whose last known address is P. O. Box 287, Yokohama, Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to William C. F. Helm, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a compound interest department account, Account Number A-53568, entitled William C. F. Helm, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and

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when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 5, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4684; Filed, Mar. 20, 1946;  
11:37 a. m.]

[Vesting Order 5819]

OTTO HIRSCH & Co.

In re: Bank account owned by Otto Hirsch & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Otto Hirsch & Co., the last known address of which is Frankfurt/Main, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Otto Hirsch & Co., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Bills Payable Register Account, entitled Otto Hirsch & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be

deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 5, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4685; Filed, Mar. 20, 1946;  
11:37 a. m.]

[Vesting Order 5834]

MISS EIKO KITANO

In re: Bank account owned by Miss Eiko Kitano.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Miss Eiko Kitano, whose last known address is c/o The Tokio Asahi, Tokyo, Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. Kitano, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Compound Interest Department Account, Account Number A7881, entitled K. Kitano in trust for Miss Eiko Kitano, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Miss Eiko Kitano, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-5834; Filed, Mar. 20, 1946;  
11:37 a. m.]

[Vesting Order 5836]

#### KOENIGLICHE FILIALBANK

In re: Bank account owned by Koenigliche Filialbank.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Koenigliche Filialbank, the last known address of which is Augsburg, Germany, is a national of a designated enemy country (Germany);
2. That the property described as follows: That certain debt or other obligation owing to Koenigliche Filialbank, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Bills Payable Register Account, entitled Koenigl. Filialbank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within

a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges, or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4687; Filed, Mar. 20, 1946;  
11:37 a. m.]

[Vesting Order 5838]

#### TH. B. C. KRAEMER

In re: Bank account owned by Th. B. C. Kraemer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Th. B. C. Kraemer, whose last known address is 1026 Horinouchi, Hayama, Muira-gun, Kanagawaken, Yokohama, Japan, is a national of a designated enemy country (Japan);
2. That the property described as follows: That certain debt or other obligation owing to Th. B. C. Kraemer, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out

of a compound interest department account, Account Number A-49856, entitled Miss Th. B. C. Kraemer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4686; Filed, Mar. 20, 1946;  
11:38 a. m.]

[Vesting Order 5839]

#### F. W. KRAUSE & Co.

In re: Bank account owned by F. W. Krause & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That F. W. Krause & Co., the last known address of which is Berlin, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to F. W. Krause & Co., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a bills payable register account, entitled F. W. Krause & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4689; Filed, Mar. 20, 1946;  
11:38 a. m.]

[Vesting Order 5844]

#### LANDESBANK DER RHEINPROVINZ

In re: Bank account owned by Landesbank der Rheinprovinz.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Landesbank der Rheinprovinz, the last known address of which is Cologne, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Landesbank der Rheinprovinz, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Bills Payable Register Account, entitled Landesbank der Rheinprovinz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4690; Filed, Mar. 20, 1946;  
11:38 a. m.]

[Vesting Order 5845]

#### LANDESKOMMUNALBANK, GIROZENTRALE FUER HESSEN

In re: Bank account owned by Landeskommunalbank, Girozentrale fuer Hessen.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Landeskommunalbank, Girozentrale fuer Hessen, the last known address of which is Peter-Gemeinder-Strasse 14, Darmstadt, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Landeskommunalbank, Girozentrale fuer Hessen, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a bills payable register account, entitled Landeskommunal Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it

should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 6, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4691; Filed, Mar. 20, 1946;  
11:38 a. m.]

[Vesting Order 5854]

J. MAGNUS & Co.

In re: Bank accounts owned by J. Magnus & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That J. Magnus & Co., the last known address of which is Paulstrasse 5, Hamburg 1, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to J. Magnus & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled J. Magnus & Co., Bankgeschaef, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to J. Magnus & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an old checks outstanding account, entitled J. Magnus & Co., Bankgeschaef, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 7, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4692; Filed, Mar. 20, 1946;  
11:38 a. m.]

[Vesting Order 5857]

E. MERCK CHEMISCHE FABRIK

In re: Bank account owned by E. Merck Chemische Fabrik.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That E. Merck Chemische Fabrik, the last known address of which is Darmstadt, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to E. Merck Chemische Fabrik, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, Account Number 806, entitled E. Merck, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within

a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 7, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4693; Filed, Mar. 20, 1946;  
11:38 a. m.]

[Vesting Order 5863]

MUENCHMEYER & Co.

In re: Bank accounts owned by Muenchmeyer & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Muenchmeyer & Co., the last known address of which is 33 Alsterdamm, Hamburg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Muenchmeyer & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dol-

lar checking account, entitled Muenchmeyer & Co., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Muenchmeyer & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an old checks outstanding account, entitled Muenchmeyer & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 7, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4694; Filed, Mar. 20, 1946; 11:39 a. m.]

[Vesting Order 5873]

NOTTEBOHM & Co.

In re: Bank accounts owned by Nottebohm & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Nottebohm & Co., the last known address of which is Neue Groeningerstr. 7, Hamburg 8, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Nottebohm & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Nottebohm & Co., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Nottebohm & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Nottebohm & Co., Account B, FS87807, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Nottebohm & Co. by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Nottebohm & Co., Account B, F87802, General Ruling #6 Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the

power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 8, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4695; Filed, Mar. 20, 1946; 11:39 a. m.]

[Vesting Order 5874]

OBERLAUSITZER BANK, ABTEILUNG DER ALLG. DEUTSCHEN KREDITANSTALT

In re: Bank account owned by Oberlausitzer Bank, Abteilung der Allg. Deutschen Kreditanstalt.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Oberlausitzer Bank, Abteilung der Allg. Deutschen Kreditanstalt, the last known address of which is Zittau/Sachsen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Oberlausitzer Bank, Abteilung der Allg. Deutschen Kreditanstalt, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Bills Payable Register Account, entitled Oberlausitzer Bank, Abt. der Allg. Deutschen Kreditanstalt, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and

certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 8, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4696; Filed, Mar. 20, 1946;  
11:39 a. m.]

[Vesting Order 5876]

A. OESTMANN & Co.

In re: Bank account owned by A. Oestmann & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That A. Oestmann & Co., the last known address of which is Central P. O. Box 438, Tokyo, Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to A. Oestmann & Co., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, Account Number 1020, entitled A. Oestmann & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 8, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4697; Filed, Mar. 20, 1946;  
11:39 a. m.]

[Vesting Order 5878]

ONE HUNDRETH BANK, LTD.

In re: Bank accounts owned by One Hundredth Bank, Limited.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That One Hundredth Bank, Limited, the last known address of which is P. O. Box 305, Tokyo Central P. O., Tokyo, Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to One Hundredth Bank, Limited, by The Chase National Bank of the City of New York, 18 Pine Street,

New York, New York, arising out of the bank accounts particularly described in Exhibit A, attached hereto and by reference made a part hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 8, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

#### EXHIBIT A

##### Title of Account and Type of Account

The One Hundredth Bank, Limited, Foreign Department—Dollar checking account.  
One Hundredth Bank, Limited—Dollar checking account.

One Hundredth Bank, Limited—Unclaimed deposit account.

One Hundredth Bank, Limited—Old checks outstanding account.

[F. R. Doc. 46-4698; Filed, Mar. 20, 1946;  
11:39 a. m.]

[Vesting Order 5879]

OTTENSOOSER &amp; Co.

In re: Bank account owned by Ottensooser & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ottensooser & Co., the last known address of which is Nuernberg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ottensooser & Co., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a bills payable register account, entitled Ottensooser & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 8, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4699; Filed, Mar. 20, 1946;  
11:39 a. m.]

[Vesting Order 5891]

PREUSSISCHE ZENTRALGENOSSENSCHAFTSKASSE

In re: Bank account owned by Preussische Zentralgenossenschaftskasse.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Preussische Zentralgenossenschaftskasse, the last known address of which is Berlin, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Preussische Zentralgenossenschaftskasse, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Bills Payable Register Account, entitled Preussische Zentralgenoss. kasse, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 8, 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4700; Filed, Mar. 20, 1946;  
11:40 a. m.]

[Vesting Order 6040]

HEINRICH KIRCHHOLTES

In re: Bank account owned by Heinrich Kirchholtes.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Heinrich Kirchholtes, the last known address of which is Mainzerlandstrasse 4-6, Frankfurt a. M., Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Heinrich Kirchholtes, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Heinrich Kirchholtes, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing

of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 8, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4701; Filed, Mar. 20, 1946;  
11:40 a. m.]

[Vesting Order 6041]

ERNST F. L. KLUENDER

In re: Bank account owned by Ernst F. L. Kluender.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ernst F. L. Kluender, whose last known address is 17 Roeselerstr., Hanover, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ernst F. L. Kluender, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Mr. Ernst F. L. Kluender of 17 Roeselerstr., Hanover, Germany, net legacy u/w Louise Held, deceased, late of Cincinnati, Ohio, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 8, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4702; Filed, Mar. 20, 1946;  
11:40 a. m.]

[Vesting Order 6042]

PAUL KNAUTH

In re: Bank account owned by Paul Knauth.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Paul Knauth, whose last known address is Niederwiesla bei Chemnitz, Saxony, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Paul Knauth, by The Bowery Savings Bank, 110 East 42nd Street, New York, New York, arising out of a savings account, Account Number 234185, entitled Paul Knauth, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national

interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 8, 1946.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4703; Filed, Mar. 20, 1946;  
11:40 a. m.]

[Vesting Order 6043]

GESINE KOLDEWEYH

In re: Bank account owned by Gesine Koldeweyh.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Gesine Koldeweyh, whose last known address is Kirchweyke, Bez Bremen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gesine Koldeweyh, by East River Savings Bank, New York, New York, arising out of a savings account, Account Number 239472, entitled Gesine Koldeweyh, maintained at the branch office of the aforesaid bank located at 291 Broadway, New York, New York, and any

and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 8, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4704; Filed, Mar. 20, 1946;  
11:40 a. m.]

[Vesting Order 6044]

JUICHI KONO

In re: Bank account owned by Juichi Kono.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,  
No. 57—4

and pursuant to law, the undersigned, after investigation, finding:

1. That Juichi Kono, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Juichi Kono, by The National City Bank of New York, New York, New York, arising out of a checking account, entitled Juichi Kono, maintained at the branch office of the aforesaid bank located at 5th Avenue at 28th Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 8, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4705; Filed, Mar. 20, 1946;  
11:40 a. m.]

[Vesting Order 6045]

HERMANN J. KREIPLE

In re: Bank account owned by Hermann J. Kreiple.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hermann J. Kreiple, whose last known address is Grabengasse 29, Passau, Bavaria, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Joseph Kreiple, by The National City Bank of New York, New York, New York, arising out of a compound interest department account, entitled Joseph Kreiple in trust for Hermann J. Kreiple, maintained at the branch office of the aforesaid bank located at 17 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hermann J. Kreiple, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 8, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4706; Filed, Mar. 20, 1946;  
11:41 a. m.]

[Vesting Order 6046]

LUISE KRUCK

In re: Bank account owned by Luise Kruck.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Luise Kruck, whose last known address is Oberstor 9, Gerlingen bei Stuttgart, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Luise Kruck, by The Bowery Savings Bank, 110 East 42d Street, New York, New York, arising out of a savings account, Account Number 265675, entitled Luise Kruck, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country; And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 8, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4707; Filed, Mar. 20, 1946;  
11:41 a. m.]

[Vesting Order 6047]

FRIED. KRUPP, A. G.

In re: Bank account owned by Fried. Krupp, A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Fried. Krupp, A. G., the last known address of which is Essen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Fried. Krupp, A. G., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Fried. Krupp Aktiengesellschaft, Finanzabteilung, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licens-

ing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9095, as amended.

Executed at Washington, D. C., on March 8, 1946.

[SEAL]

JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 46-4708; Filed, Mar. 20, 1946;  
11:41 a. m.]

[Dissolution Order 31]

GOSHO Co., Inc.

Whereas by Vesting Order No. 87, dated July 31, 1942 (7 F.R. 7051), and Vesting Order No. 212, dated October 3, 1942 (7 F.R. 8328), the Alien Property Custodian vested all the issued and outstanding shares of the capital stock of Gosho Company, Inc., a Texas corporation; and

Whereas by Vesting Order No. 149, dated September 17, 1942 (7 F.R. 7544), the Alien Property Custodian vested all the right, title, interest and claims of Gosho Company, Japan Agency, Osaka, Japan, Gosho Kabushiki Kaisha, Shanghai, China, and S. Kida, Osaka, Japan, in and to all indebtedness owing to them by Gosho Company, Inc., and it has been determined that a certain claim in favor of Gosho Company, Japan Agency, Osaka, Japan, in the amount of \$138,554.58, a certain claim in favor of Gosho Kabushiki Kaisha, Shanghai, China, in the amount of \$4,673.55, and a certain claim in favor of S. Kida, Osaka, Japan, in the amount of \$5,860.95 were thereby vested in the Alien Property Custodian; and

Whereas Gosho Company, Inc., has been substantially liquidated under the supervision of the Alien Property Custodian,

Now under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Alien Property Custodian may have for monies advanced or services rendered to or on behalf of the corporation; and except a claim formerly of Gosho Company, Japan, Agency,

Osaka, Japan, in the amount of \$138,554.58, a claim formerly of Gosho Kaisha, Shanghai, China, in the amount of \$4,673.55, and a claim formerly of S. Kida, Osaka, Japan, in the amount of \$5,860.95, all of which have been vested by the Alien Property Custodian as aforesaid; and except claims formerly of Gosho Concentration & Compress Company, in the aggregate amount of \$29,421.86, which claims have been assigned to the Alien Property Custodian pursuant to Dissolution Order No. 32, *infra*, and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of Texas;

hereby orders that the officers and directors of Gosho Company, Inc. (to wit, Stanley B. Reid, Vice President and Director, and the President, Secretary, Treasurer and other Directors, if existing vacancies in those offices are hereafter filled, and their successors, or any of them), continue the proceedings for the dissolution of Gosho Company, Inc., in accordance with the statutes of the State of Texas in such case made and provided; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Alien Property Custodian all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, ratably in satisfaction of the claims of the Alien Property Custodian in the principal amounts of \$138,554.58, \$29,421.86, \$5,860.95 and \$4,673.55, as hereinbefore described, second, in satisfaction of such claims, if any, as the Alien Property Custodian may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Alien Property Custodian as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the laws of the State of Texas, of any person who may claim against said corporation; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such persons; and such persons or any of them may file claims with the Alien Property Custodian against any funds or property received by the Alien Property Custodian hereunder: *Provided, however*, That any such claims against said corporation shall be filed with or presented to the Alien Property

Custodian within the time prescribed for such claims by the statutes of the State of Texas; and further orders, that all actions taken and acts done by the said officers and directors of Gosho Company, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 14th day of March 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4709; Filed, Mar. 20, 1946;  
11:41 a. m.]

[Dissolution Order 32]

#### GOSHO CONCENTRATION & COMPRESS CO.

Whereas, by Vesting Order No. 57, dated July 23, 1942 (7 F.R. 5742), Vesting Order No. 188, dated September 28, 1942 (7 F.R. 7819) and Vesting Order No. 211, dated October 3, 1942 (7 F.R. 8327), the Alien Property Custodian vested all the issued and outstanding shares of the capital stock of Gosho Concentration & Compress Company, a Texas corporation; and

Whereas Gosho Concentration & Compress Company, has been substantially liquidated under the supervision of the Alien Property Custodian,

Now under the the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Alien Property Custodian may have for money advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of Texas;

hereby orders that the officers and directors of Gosho Concentration & Compress Company (to wit, Stanley B. Reid, Vice President and Director, and the President, Secretary, Treasurer and other Directors, if existing vacancies in those offices are hereafter filled, and their successors, or any of them), continue the proceedings for the dissolution of Gosho Concentration & Compress Company, in accordance with the statutes of the State of Texas in such case made and provided; and further orders that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Alien Property Custodian, all of the funds and property, if any, remaining in their hands after the payment as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Alien Property Custodian as holder of all the issued and outstanding stock of the corporation; and

Further orders that nothing herein set forth shall be construed as prejudicing the rights, under the laws of the State of Texas, of any person who may claim against said corporation: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such persons; and such persons or any of them may file claims with the Alien Property Custodian against any funds or property received by the Alien Property Custodian hereunder: *Provided, however*, That any such claims against said corporation shall be filed with or presented to the Alien Property Custodian within the time prescribed for such claims by the statutes of the State of Texas; and further orders, that all actions taken and acts done by the said officers and directors of Gosho Concentration & Compress Company, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 14th day of March 1946.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 46-4710; Filed, Mar. 20, 1946;  
11:41 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Max. Import Price Reg., Order 114]

MAUDY, INC.

#### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of the Maximum Import Price Regulation, it is ordered:

(a) *Purpose of this order.* This order establishes maximum prices for sales by any persons of certain perfumes imported from France by Maudy, Inc., 16 West 55th Street, New York City, New York, hereinafter called the "importer." These perfumes are individually bottled and packed in France, marked "Maudy-Paris-France" and are of various scents as set out in this order. The maximum prices established herein are at two levels—at the import or other than retail level and at the retail level,

(b) *Maximum prices for sales of certain imported perfumes.* The maximum prices on sales by the following classes of sellers, for the following sizes and scents of perfumes, shall be as follows:

| Scent              | Size  | Maximum prices on sales by others than retailers <sup>1</sup> | Maximum prices on sales by retailers |
|--------------------|-------|---------------------------------------------------------------|--------------------------------------|
| Chypre             | Ounce |                                                               |                                      |
| Pois De Senteur    | 1/2   | \$7.05                                                        | \$12.00                              |
| Chère Petite Chose | 1     | 12.00                                                         | 20.00                                |
| Jadrya             | 2     | 21.00                                                         | 35.00                                |
| Gardenia           |       |                                                               |                                      |
| Golden Bouquet     |       |                                                               |                                      |

<sup>1</sup> Terms: 2%—10 days—net 30 days. Transportation charges prepaid on shipments of \$50 or more.

(c) *Notification of maximum prices.* The importer or other sellers selling for resale any size perfume priced under this order shall include on the invoice to each retailer, the following statement:

Your maximum selling price for the imported perfume as established by Order No. 114, issued by the Office of Price Administration under the Maximum Import Price Regulation is (insert the applicable price, scent and size of perfume sold).

(d) *Less than maximum prices.* Prices lower than those established by this order may be charged, demanded, paid or offered.

(e) *Definition of retailer.* A retail seller within the meaning of this order is any seller other than the importer who makes sales to ultimate consumers.

(f) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4651; Filed, Mar. 20, 1946; 11:32 a. m.]

[Order 124 Under 3 (e)]

HALEY CHEMICALS, INC.

#### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation; *It is ordered:*

(a) Maximum prices for sales of dry chemical fire extinguisher in 2 pound packages manufactured by Haley Chemicals, Inc., 42 East First St., Reno, Nevada, are established as follows:

ON SALES TO—

| Distributor | Wholesaler | Retailer | Consumer |
|-------------|------------|----------|----------|
| \$0.70      | \$1        | \$1.40   | \$2.25   |

These prices are f. o. b. seller's shipping point except in cases of sales at retail in which event they are delivered.

(b) No extra charge may be made for containers.

(c) Each seller of the commodity covered by this order, except a retailer, shall notify each of his purchasers in writing at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchases upon resale and a statement that they have been established by the Office of Price Administration.

(d) Prior to making any delivery of the aforesaid commodity after the effective date of this order, the manufacturer shall mark or cause to be marked thereon the following legend:

Maximum retail price \$2.25

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4652; Filed, Mar. 20, 1946; 11:34 a. m.]

[Order 125 Under 3 (e)]

DECTO PRODUCTS CO.

#### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation; *It is ordered:*

(a) Maximum delivered prices for sales of "Scratch-Fix," a furniture scratch eradicant, in a kit containing 4 wax pencils, manufactured by Decto Products Company, 76 North Street, Salem, Massachusetts, are established as follows:

On sales to (per kit):

|           |        |
|-----------|--------|
| Dealers   | \$0.30 |
| Consumers | .45    |

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of the aforesaid commodity to dealers, the manufacturer shall furnish such dealers with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been established by the Office of Price Administration.

(d) Prior to making any delivery of such commodity after the effective date of this order, the manufacturer shall mark or cause to be marked thereon the following legend:

Maximum retail price..... 45 cents

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4653; Filed, Mar. 20, 1946; 11:31 a. m.]

[MPR 64, Amdt. 1 to Order 211]

HARDWICK STOVE CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered,* That Order No. 211 under Maximum Price Regulation No. 64 be amended in the following respects:

1. Paragraph (a) (1) is amended by adding the following two models of gas ranges and their established ceiling prices for sales by wholesale distributors to retail dealers in the four zones to the list contained in that paragraph.

| Model  | Distributor to dealer prices— |          |          |          |
|--------|-------------------------------|----------|----------|----------|
|        | Zone 1                        | Zone 2   | Zone 3   | Zone 4   |
| 8448-O | \$103.02                      | \$105.33 | \$108.02 | \$110.67 |
| 8848-H | 119.90                        | 122.24   | 124.90   | 127.40   |

2. Paragraph (a) (2) is amended by adding the following two models of gas ranges and their established ceiling prices for sales by retail dealers to ultimate consumers in the four zones to the list contained in that paragraph.

| Model  | Dealer to consumer prices— |          |          |          |
|--------|----------------------------|----------|----------|----------|
|        | Zone 1                     | Zone 2   | Zone 3   | Zone 4   |
| 8848-O | \$169.25                   | \$172.95 | \$177.25 | \$181.50 |
| 8848-H | 195.50                     | 199.25   | 203.50   | 207.50   |

This amendment shall become effective on the 21st day of March 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4654; Filed, Mar. 20, 1946; 11:34 a. m.]

[MPR 64, Rev. Order 245]

TAPPAN STOVE CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This revised order established maximum prices for sales of 8 models of gas ranges manufactured by the Tappan Stove Company, Mansfield, Ohio, as follows:

(1) For sales in each zone by wholesale distributors to retail dealers the maximum price including Federal excise tax, are those set forth below:

| Model     | Maximum prices for sales by wholesale distributors to retail dealers |               |               |
|-----------|----------------------------------------------------------------------|---------------|---------------|
|           | Zone 2A                                                              | Zone 4        | Zone 5        |
| CPGVD-557 | Each \$124.75                                                        | Each \$126.63 | Each \$127.88 |
| CPGV-557  | 105.63                                                               | 107.35        | 108.60        |
| PGVD-57   | 118.13                                                               | 120.01        | 121.26        |
| GVD-57    | 117.49                                                               | 119.36        | 120.61        |
| PGV-57    | 98.56                                                                | 100.43        | 101.68        |
| GV-57     | 97.92                                                                | 99.63         | 100.88        |
| PG-57     | 91.33                                                                | 93.02         | 94.27         |
| G-57      | 90.69                                                                | 92.38         | 93.63         |

These prices are f. o. b. wholesale distributor's city. If the distributor sells

any of the ranges equipped with a top pilot filter he may add \$1.14 to the ceiling prices shown above. In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including Federal excise tax but not including any state or local tax imposed at the point of sale, are those set forth below:

| Model          | Maximum prices for sales to ultimate consumers |               |               |               |               |
|----------------|------------------------------------------------|---------------|---------------|---------------|---------------|
|                | Zone 1                                         | Zone 2        | Zone 3        | Zone 4A       | Zone 5A       |
| CPGVD-557..... | Each \$183.00                                  | Each \$185.95 | Each \$189.00 | Each \$191.50 | Each \$194.25 |
| CPGV-557.....  | 154.50                                         | 157.50        | 160.25        | 162.75        | 165.00        |
| PGVD-57.....   | 172.75                                         | 175.95        | 178.75        | 181.50        | 184.00        |
| GVD-57.....    | 172.00                                         | 174.95        | 178.00        | 180.50        | 183.25        |
| PGV-57.....    | 144.50                                         | 147.50        | 150.25        | 152.50        | 155.00        |
| GV-57.....     | 143.50                                         | 146.50        | 149.00        | 151.75        | 154.00        |
| PG-57.....     | 134.00                                         | 136.95        | 139.75        | 142.25        | 144.50        |
| G-57.....      | 133.00                                         | 135.95        | 138.75        | 141.50        | 143.50        |

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting \$6.00 from his maximum price as shown above for sales on an installed basis. If the dealer sells any of the ranges, equipped with a top pilot filter, he may add \$2.05 to the ceiling price shown above. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone, the area included in each zone, together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation the maximum price is \$6.00 less than the price shown on the label.

(d) For the purposes of this order Zones 1, 2, 3, 4, 4A, 5 and 5A comprise the following areas:

Zone 1: Ohio.

Zone 2: Michigan, Indiana, Wisconsin, Illinois, Iowa, Missouri, Kentucky, Tennessee, West Virginia, Virginia, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina; the counties of Hennepin and Ramsey in Minnesota, and the District of Columbia.

Zone 2A: North Dakota, South Dakota, Nebraska, Kansas, Minnesota except the counties included in Zone 2.

Zone 3: Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Maine, Oklahoma except the counties of Cimmaron, Texas and Beaver.

Zone 4: Montana, Colorado, Wyoming, the counties of Cimmaron Texas, and Beaver in Oklahoma; the 69 counties in the North-western part of Texas north of and including the counties of Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Jones, and Throckmorton; and New Mexico.

Zone 4A: Texas except the 69 counties in Zone 4.

Zone 5: Washington, Oregon, Idaho, Utah, Arizona, Nevada and that part of California north of a line drawn from a point on the Pacific coast due west of the city of Santa Barbara and running east and just north of that city, thence, northeast to a point due west of the city of Bakersfield at the western boundary of Kern county and thence east and just north of Bakersfield to the eastern boundary of the state.

Zone 5A: All of the state of California not in zone 5.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 21st day of March 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4655; Filed, Mar. 20, 1946;  
11:33 a. m.]

[MPR 64, Order 268]

ATHENS STOVE WORKS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to section 11 of Maximum Price Regulation No. 64, It is ordered:

(a) This order establishes maximum prices for sales at retail of certain gas ranges manufactured by Athens Stove Works, Inc., of Athens, Tennessee, as follows:

For sales of the gas ranges, listed below, in each zone by retail dealers to ultimate consumers, the maximum prices including the Federal excise tax, but not including any state or local taxes imposed at the point of sale, are as follows:

| Model           | Maximum prices for sales by retail dealers to ultimate consumers |         |         |         |
|-----------------|------------------------------------------------------------------|---------|---------|---------|
|                 | Zone 1                                                           | Zone 2  | Zone 3  | Zone 4  |
| 42-PD-5123..... | \$88.95                                                          | \$91.75 | \$94.25 | \$96.95 |
| 42-P-5123.....  | 80.75                                                            | 83.25   | 85.95   | 88.75   |
| 42-F-512.....   | 71.25                                                            | 73.95   | 76.50   | 79.25   |
| 42-E-5123.....  | 78.50                                                            | 81.25   | 83.75   | 86.25   |
| 42-F-512.....   | 69.25                                                            | 71.75   | 74.25   | 76.95   |
| 42-F-512.....   | 79.50                                                            | 81.95   | 84.50   | 87.25   |
| 42-F-512.....   | 70.25                                                            | 72.75   | 75.25   | 77.75   |
| 42-A-512.....   | 69.25                                                            | 71.50   | 73.50   | 75.50   |
| 42-A-512.....   | 59.95                                                            | 61.95   | 64.25   | 66.25   |
| 42-B-512.....   | 71.50                                                            | 73.75   | 75.95   | 78.25   |
| 42-B-512.....   | 62.25                                                            | 64.50   | 66.75   | 68.95   |
| 42-K-7123.....  | 70.75                                                            | 72.95   | 74.95   | 77.25   |
| 42-K-712.....   | 61.50                                                            | 63.50   | 65.75   | 67.95   |

These maximum prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting \$6.00 from the maximum price shown

above for his sales on an installed basis. In all other respects, these maximum prices are subject to each seller's customary terms, discounts, allowances, and other price differentials, in effect on sales of similar articles.

(b) Before delivering any article covered by this order, after the effective date thereof, the manufacturer shall attach securely on the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone, together with a list of the states included in each zone. The label shall state also that the retail prices shown thereon include the Federal Excise Tax, delivery and installation; and that if the seller does not provide installation, the maximum price is \$6.00 less than the price shown on the label.

(c) For the purposes of this order, Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Tennessee.

Zone 2: Michigan, Illinois, Indiana, Ohio, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, Virginia, West Virginia, Kentucky, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Louisiana, and Arkansas.

Zone 3: Maine, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

Zone 4: Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon and California.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4656; Filed, Mar. 20, 1946;  
11:33 a. m.]

[MPR 64, Order 269]

FIRESTONE TIRE AND RUBBER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to section 11 of Maximum Price Regulation No. 64; It is ordered:

(a) This order establishes maximum prices for sales to consumers of the Model No. 5-C-3 electric range manufactured for sales by Firestone Tire & Rubber Company, of Akron 17, Ohio.

For sales in each zone by retail dealers to ultimate consumers, the maximum prices are those set forth below:

| Article             | Model | Maximum prices for sales by retail dealers to ultimate consumers |          |
|---------------------|-------|------------------------------------------------------------------|----------|
|                     |       | Zone 1                                                           | Zone 2   |
| Electric range..... | 5-C-3 | \$165.95                                                         | \$174.95 |

These maximum prices include the Federal excise tax, delivery, a one year warranty, and installation where the installation requires only that the range be connected to electric facilities to be provided by the consumer, and such connection does not require any additional materials. If a range cord set (customarily referred to in the industry as a "pigtail") is required, and is furnished by the retail dealer, he may add \$3.50 to the applicable OPA retail ceiling price shown above. In all other respects, these maximum prices are subject to each seller's customary terms, discounts, allowances, and other price differentials, in effect on sales of similar articles.

(b) For the purposes of this order, Zones 1 and 2 comprise the areas described in Order No. 262 under Maximum Price Regulation No. 64, issued by the Office of Price Administration to Firestone Tire and Rubber Company, on March 1, 1946; and that description is incorporated herein by reference.

(c) The Firestone Tire and Rubber Company shall cause to be attached to the outside oven door panel of each range, prior to its shipment to a retail dealer, a label which contains all of the following information:

1. The model number of the range.
2. The OPA retail ceiling price of the range in each zone.
3. A statement of the areas included in each zone.
4. A statement that the ceiling prices shown include the Federal excise tax, delivery, a one-year warranty and installation where the installation requires only that the range be connected to electric facilities to be provided by the purchaser and such connection does not require any additional materials.
5. A statement that if the installation requires the use of a range cord set (customarily referred to in the industry as a "pigtail") and a range cord set is furnished by the retail dealer, he may add \$3.50 to the applicable OPA retail ceiling price of the range.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 21st day of March 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4657; Filed, Mar. 20, 1946;  
11:33 a. m.]

[SO 81, Order 1]

#### GERMAN HOPS

#### EXEMPTION OF SALES BY UNITED STATES GOVERNMENT OR ITS AGENCIES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Administrator of the Office of Price Administration by section 11 of Supplementary Order 81, it is hereby ordered:

(a) *Purpose of this order.* This order completely exempts from price control sales of hops purchased from the Office of Military Government of Germany or the United States Commercial Company,

in customs bond or in the foreign trade zone, New York, and which hops are sold for export and ultimate consumption outside of the United States. As to such, Revised Maximum Price Regulation 279, Hops, will not be applicable.

(b) *Exemption from maximum prices.* Hops, held in bond or in the foreign trade zone, New York, if such hops are purchased from the Office of Military Government of Germany or the United States Commercial Company, of the Reconstruction Finance Corporation, and if such hops are sold for export, are exempted from price control.

(c) This order may be revoked, amended or corrected by the Price Administrator at any time.

(d) This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4668; Filed, Mar. 20, 1946;  
11:31 a. m.]

[Rev. SO 119, Order 122]

#### L. F. GRAMMES & SONS, INC.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturers' ceiling prices.* L. F. Grammes & Sons, Inc., of 379 Union Street, Allentown, Pennsylvania, may compute its adjusted maximum prices for all articles of metal desk scales and accessories, metal candy boxes, cosmetic containers, soft drink dispensers, household accessories and novelties which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted maximum price is the highest price charged during that month to each class of purchaser increased by 4.1 percent.

(2) For an article not in its line during October 1941, but which has a properly established maximum price in effect before the effective date of this order, the adjusted maximum price is the article's properly established maximum price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted maximum price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted maximum price fixed in accordance with this order is his new maximum price if it is higher than his previously established maximum price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Maximum prices of purchasers for resale.* A seller shall calculate his maximum price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established maximum price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended remains in effect.

If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Maximum prices adjusted by this order are subject to each seller's terms, discounts, allowances and other price differentials in effect during March 1942, or which have been properly established under the applicable OPA regulation.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the methods established in paragraph (b) of this order for determining adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(e) *Revocation or amendment.* This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on the 21st day of March 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4669; Filed, Mar. 20, 1946;  
11:32 a. m.]

[Rev. SO 119, Order 123]

#### THERMAC CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register and pursuant to Revised Supplementary Order No. 119; *It is ordered:*

(a) Maximum prices for sales of Automatic Non-Electric Temperature Controls manufactured by the Thermac Company of Los Angeles, California:

(1) The above mentioned manufacturer may determine his maximum prices for his line of automatic non-electric temperature controls as defined in section 2.10 of Order 48 under Maximum Price Regulation No. 591, by increasing by 17.5 percent his prices on these items in effect on October 1, 1941, to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941, plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order shall determine their maximum prices by multiplying their acquisition cost after the effective date of this order by their mark-up factor in effect on March 20, 1946.

This order shall not authorize a manufacturer who sells these commodities in assembly with another item to increase his maximum prices for such assembled item.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 123 under Revised Supplementary Order No. 119 authorizes a 17.5 percent increase in October 1, 1941, net prices for sales of automatic non-electric temperature controls manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add the same percentage mark-up to their new cost that they had in effect on these items on March 20, 1946.

(d) All prayers for relief not granted herein are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4670; Filed, Mar. 20, 1946; 11:29 a. m.]

[Rev. SO 119, Order 124]

AMERICAN INJECTOR CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Revised Supplementary Order No. 119; *It is ordered:*

(a) Maximum prices for sales of automatic non-electric temperature controls manufactured by the American Injector Company of Detroit, Michigan.

(1) The above manufacturer may determine his maximum prices for his line of automatic non-electric temperature controls as defined in section 2.10 of Order 48 under Maximum Price Regulation No. 591, by increasing by 27.5 percent his prices on these items in effect on October 1, 1941, to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941, plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order shall determine their maximum prices by multiplying their acquisition cost after the effective date of this order by their mark-up factor in effect on March 20, 1946.

This order shall not authorize a manufacturer who sells these commodities in assembly with another item to increase

his maximum prices for such assembled item.

(c) *Notification to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 124 under Revised Supplementary Order No. 119 authorizes a 27.5 percent increase in October 1, 1941, net prices for sales of automatic non-electric temperature controls manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add the same percentage mark-up to their new cost that they had in effect on these items on March 20, 1946.

(d) All prayers for relief not granted herein are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4671; Filed, Mar. 20, 1946; 11:29 a. m.]

[MPR 120, Amdt. 14 to Order 1548]

ELLIOT COAL MINING CO.

#### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.212 (c) of Maximum Price Regulation No. 120; *It is ordered:*

Order No. 1548 under Maximum Price Regulation No. 120 is hereby amended in the following respects:

Paragraph (a) is amended by adding thereto the following in the following manner:

| Producer and address                                      | Mine name                         | Mine index No. | Location and name of preparation plant through which the coals are prepared                        |
|-----------------------------------------------------------|-----------------------------------|----------------|----------------------------------------------------------------------------------------------------|
| Elliot Coal Mining Co., 8 N. Front St., Philipsburgh, Pa. | Elliot-Hassinger<br>Elliot-Vaughn | 5706<br>5707   | Elliot Coal Mining Co.'s Osceola Mills preparation plant at Osceola Mills, Pa., on the Penn. R. R. |

This amendment No. 14 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4658; Filed, Mar. 20, 1946; 11:32 a. m.]

[MPR 136, Amdt. 2 to Order 350]

STEWART-WARNER CORP. AND ADMIRAL CORP.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to § 1390.25a of Maximum Price Regulation No. 136 and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered,* That Order No. 350 under Maximum Price Regulation No. 136 is amended in the following respect.

The first paragraph of paragraph (a) is amended to read as follows:

(a) Stewart-Warner Corporation, 1826-1852 Diversey Parkway, Chicago 14, Illinois, and Admiral Corporation, 3800 Cortland Street, Chicago 47, Illinois, may sell and deliver their rebuilt refrigerator replacement units at prices no higher than those set forth below:

This amendment shall become effective on the 21st day of March 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4659; Filed, Mar. 20, 1946;  
11:32 a. m.]

[RMPR 136, Rev. Order 571]

VEEDER-ROOT, INC.

#### DETERMINATION OF MAXIMUM PRICES

Revised Order No. 571 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Veeder-Root, Incorporated. Docket No. 6083-136-21-551.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

Order No. 571 under Revised Maximum Price Regulation No. 136 issued on January 17, 1946, is redesignated Revised Order No. 571 and is revised and amended to read as follows:

(a) The maximum prices for sales of industrial counting and control instruments, computing devices, and stampings by Veeder-Root, Incorporated, Hartford, Connecticut, shall be determined as follows:

The manufacturer shall increase by 5% the maximum prices he had in effect on the applicable base date to a purchaser of the same class.

(b) The maximum prices for sales of these products by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of Order No. 571, the percentage amount by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this revised order.

(c) Veeder-Root, Incorporated, shall notify each person who buys these products for resale of the percentage amount by which this revised order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4660; Filed, Mar. 20, 1946;  
11:30 a. m.]

[SO 142, Order 50]

WILLIAM BROS. BOILER AND MFG. CO.

#### DETERMINATION OF MAXIMUM PRICES

Order No. 50 under Supplementary Order No. 142. Adjustment provisions

for sales of industrial machinery and equipment. William Bros. Boiler and Manufacturing Company. Docket No. 6083-136.21-676.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142; *It is ordered:*

(a) The maximum prices for sales by William Bros. Boiler and Manufacturing Company of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142, shall be determined as follows: The maximum prices for any of the above described products, having a base date price, shall be the applicable base date price increased by 12.4% of that price.

The phrase in this order "base date price" shall mean a price frozen under the applicable regulation (by reference to published list prices, and to prices made during a defined period of time prior to a base date), except that for every product covered by this order the base date to be used for establishing a frozen price shall be October 1, 1941. The phrase does not include any price adjusted upward by industry-wide or individual adjustment orders.

(b) For any product for which a price is established under section 8 of Revised Maximum Price Regulation 136; 4 (d)

(1) (i) of Maximum Price Regulation 67; § 1361.53 of Maximum Price Regulation 246; or § 1390.205 (d) of Maximum Price Regulation 351, the maximum price shall be computed under the appropriate provisions of the applicable regulation using the price computed under paragraph (a) of this order for the frozen priced product before change or modification.

(c) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the dollar and cent amount by which his net invoiced cost has been increased by reason of this order.

(d) The William Bros. Boiler & Manufacturing Company shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the percentage amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4672; Filed, Mar. 20, 1946;  
11:30 a. m.]

[SO 142, Order 51]

SPRAGUE METER CO.

#### DETERMINATION OF MAXIMUM PRICES

Order No. 51 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Sprague Meter Company. Docket No. 6083-SO 142-136-79.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142; *It is ordered:*

(a) The maximum prices for sales by Sprague Meter Company, Bridgeport, Connecticut, of all its products, which are covered by any of the regulations listed in Supplementary Order No. 142, shall be determined as follows: The maximum prices for any of the above described products, having a base date price, shall be the applicable base date price increased by 11.7% of that price.

The phrase in this order "base date price" shall mean a price frozen under the provisions of section 7 of Revised Maximum Price Regulation 136, except that for every product covered by this order the base date to be used for establishing the frozen price shall be October 1, 1941. The phrase does not include any price adjusted upward by industry-wide or individual adjustment orders.

(b) For any products for which a price is established under section 8 of Revised Maximum Price Regulation 136 the maximum price shall be computed under that section using the price computed under paragraph (a) of this order for the frozen priced product before change or modification.

(c) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the dollar and cents amount by which his net invoiced cost has been increased by reason of this order.

(d) The Sprague Meter Company, Bridgeport, Connecticut, shall notify each purchaser, who buys the products listed in paragraph (a) above for resale of the dollar and cents amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4673; Filed, Mar. 20, 1946;  
11:30 a. m.]

[MPR 188, Order 1 Under Order 3]

## ECLIPSE LAWN MOWER CO.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 5(c) of Order No. 3 under Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes uniform retail ceiling prices for sales of eight models of hand lawn mowers manufactured by the Eclipse Lawn Mower Company, Prophetstown, Illinois, for which the manufacturer's prices have already been adjusted under Order No. 3, under § 1599.159e of Maximum Price Regulation No. 188, as follows:

| Model:        | Uniform retail selling prices |
|---------------|-------------------------------|
| Eclipse 16"   | \$21.44                       |
| Eclipse 18"   | 22.90                         |
| Vogue 16"     | 16.15                         |
| Vogue 18"     | 17.12                         |
| Arlington 16" | 10.68                         |
| Arlington 18" | 11.48                         |
| Torpedo 16"   | 8.53                          |
| Midwest 16"   | 7.75                          |

(b) On or after the effective date of this order the manufacturer may not deliver to a purchaser for resale, an article for which the uniform ceiling price is fixed by this order unless there is attached to it a retail price tag or label stating the manufacturer's name or the brand name, the model number or designation and the uniform retail ceiling price.

(c) Except as modified by this order, all provisions of Order No. 3 under § 1499.159e of Maximum Price Regulation No. 188 apply to all persons and to all sales and deliveries of articles covered by this order.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4661; Filed, Mar. 20, 1946;  
11:31 a. m.]

[MPR 188, Order 11 Under Order 4418]

## SUPERIOR AUTO FABRIC CO.

## ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to Order No. 4418 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Manufacturers' maximum prices.* Superior Auto Fabric Company, of 2457-59 Michigan Avenue, Chicago 16, Illinois, may sell and deliver, to jobbers, mail order houses, and chain stores, the universal seat covers which it manufactures, at prices no higher than its maximum prices for such sales in effect immediately prior to the issuance of this order, plus 13.34 percent of each such maximum price.

No. 57—5

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of such articles, which the manufacturer has sold at adjusted maximum prices, shall determine their maximum resale prices, as follows:

(1) A purchaser for resale who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable commodity" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall determine his maximum resale price by adding to his invoice cost the same markup which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration. However, each seller must keep complete records showing all the information called for an OPA Form 620-759, with regard to how he determines his maximum resale price, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a purchaser for resale cannot determine his maximum resale price under the above method, he shall apply to the Office of Price Administration for the establishment of his maximum resale price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum resale prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Maximum prices adjusted by this order are subject to each seller's terms, discounts, allowances, and other price differentials, in effect during March 1942, or which have been properly established under the applicable OPA regulation.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the methods established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles covered by this order. This notice may be given in any convenient form.

(e) *Revocation or amendment.* This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on the 21st day of March 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4662; Filed, Mar. 20, 1946;  
11:31 a. m.]

[MPR 188, Order 4917]

## JOHNSON &amp; JOHNSON

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of first aid kits manufactured by Johnson & Johnson, 501 George Street, New Brunswick, New Jersey.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article         | Maximum prices for sales by any seller to— |           |           |
|-----------------|--------------------------------------------|-----------|-----------|
|                 | Distributors                               | Retailers | Consumers |
|                 | Per dozen                                  | Per dozen | Each      |
| Autokit.....    | \$13.68                                    | \$16.00   | \$2.00    |
| No. 16 kit..... | 10.26                                      | 12.00     | 1.50      |
| Travelkit.....  | 4.72                                       | 5.52      | .69       |

These prices are for the articles described in the manufacturer's applications dated February 4, 1946.

(2) For sales by the manufacturer, these prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 60 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order shall become effective on the 21st day of March 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4663; Filed, Mar. 20, 1946;  
11:33 a. m.]

[MPR 188, Order 4918]

## JOHNSON &amp; JOHNSON

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of first aid kits manufactured by Johnson & Johnson, 501 George Street, New Brunswick, New Jersey.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article                    | Maximum prices for sales by any seller to |                     |                |
|----------------------------|-------------------------------------------|---------------------|----------------|
|                            | Distrib-<br>utor                          | Retailer            | Con-<br>sumer  |
| Girl Scout first aid kit.. | Per dozen<br>\$6.84                       | Per dozen<br>\$8.00 | Each<br>\$1.00 |

| Article                   | Maximum prices for sales by any seller to |                     |                |
|---------------------------|-------------------------------------------|---------------------|----------------|
|                           | Boy<br>Scout<br>Organi-<br>zation         | Retailer            | Con-<br>sumer  |
| Boy Scout first aid kit.. | Per dozen<br>\$6.31                       | Per dozen<br>\$8.47 | Each<br>\$1.00 |

These prices are for the articles described in the manufacturer's applications dated February 4, 1946.

(2) For sales by the manufacturer, these prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 60 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order shall become effective on the 21st day of March 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4664; Filed, Mar. 20, 1946;  
11:34 a. m.]

[MPR 591, Rev. Order 251]

#### NATIONAL FURNACE MANUFACTURING CO.

##### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following gas fired floor furnaces manufactured by the National Furnace Company of Memphis, Tennessee and as described in the application which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

| Model No.                                 | On sales to—             |                                  |                               |
|-------------------------------------------|--------------------------|----------------------------------|-------------------------------|
|                                           | Stock-<br>ing<br>jobbers | Non-<br>stock-<br>ing<br>jobbers | Dealers<br>or in-<br>stallers |
| Model No. 35 gas-fired floor furnace..... | \$48.44                  | \$51.47                          | \$60.55                       |
| Model No. 50 gas-fired floor furnace..... | 54.60                    | 58.01                            | 68.25                         |

(b) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities within the same general category during March 1942.

(c) The maximum prices authorized by this order reflect the increase permitted pursuant to the provisions of Amendment 4 to Order 48 under section 22 of Maximum Price Regulation No. 591.

(d) The maximum prices for sales on an installed basis of the floor furnaces covered by this order shall be established in accordance with the provisions of Revised Maximum Price Regulation No. 251.

(e) When the furnaces for which maximum prices are set forth in (a) above are equipped to burn butane or propane gas, such maximum prices may be increased as follows:

On sales to stocking and non-stocking jobbers—\$4.00 each.

On sales to dealers or installers—\$5.00 each.

(f) Each seller covered by this order, except dealers and installers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4665; Filed, Mar. 20, 1946;  
11:29 a. m.]

[MPR 591, Order 370]

#### GENERAL MOTORS CORP.

##### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net delivered prices, excluding federal excise taxes for sales to consumers by any person of the following electric water heaters manufactured by the Frigidaire Division of the General Motors Corporation of Dayton, Ohio and described in its application dated January 23, 1946, shall be:

| Model No.                                                  |         |
|------------------------------------------------------------|---------|
| S630-T—30 gallon electric water heater—single element..... | \$84.27 |
| S632—32 gallon electric water heater—single element.....   | 65.51   |
| D632—32 gallon electric water heater—double element.....   | 80.36   |
| S640—40 gallon electric water heater—single element.....   | 82.17   |

#### Model No.—Continued.

|                                                          |         |
|----------------------------------------------------------|---------|
| D640—40 gallon electric water heater—double element..... | \$87.18 |
| S652—52 gallon electric water heater—single element..... | 89.06   |
| D652—52 gallon electric water heater—double element..... | 94.05   |
| S664—64 gallon electric water heater—single element..... | 105.41  |
| D664—64 gallon electric water heater—double element..... | 112.55  |
| S680—80 gallon electric water heater—single element..... | 118.23  |
| D680—80 gallon electric water heater—double element..... | 125.35  |

(b) The maximum net delivered prices, excluding federal excise taxes for sales to dealers by any person of the following electric water heaters shall be:

| Model No.:  |         |
|-------------|---------|
| S630-T..... | \$55.18 |
| S632.....   | 42.96   |
| D632.....   | 52.60   |
| S640.....   | 53.92   |
| D640.....   | 57.15   |
| S652.....   | 58.51   |
| D652.....   | 61.73   |
| S664.....   | 69.32   |
| D664.....   | 74.00   |
| S680.....   | 77.81   |
| D680.....   | 82.46   |

(c) The maximum net delivered prices, excluding federal excise taxes for sales to distributors by any person of the following electric water heaters, shall be:

| Model No.:  |         |
|-------------|---------|
| S630-T..... | \$46.27 |
| S632.....   | 33.84   |
| D632.....   | 41.40   |
| S640.....   | 42.75   |
| D640.....   | 45.78   |
| S652.....   | 46.63   |
| D652.....   | 49.66   |
| S664.....   | 55.34   |
| D664.....   | 58.92   |
| S680.....   | 61.74   |
| D680.....   | 65.30   |

(d) The maximum prices for sales of the commodities covered by this order on an installed basis shall be determined in accordance with the provisions of Revised Maximum Price Regulation No. 251.

(e) Each seller, except on sales to consumers, shall notify, in writing, each of his purchasers at or before the time of the first invoice after the effective date of this order of the maximum prices established by this order for sales to such purchasers as well as the purchaser's, except dealers, maximum prices upon resale.

(f) The Frigidaire Division of the General Motors Corporation shall attach a tag containing the following:

1. The model number of the electric water heater.
2. The OPA retail maximum price including federal excise tax.
3. A statement that the maximum price shown includes the federal excise tax actually paid, delivery and one year warranty.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 21, 1946.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4666; Filed, Mar. 20, 1946;  
11:29 a. m.]

[SO 108, Amdt. 4 to Special Order 3]

TEMPORARY ADJUSTMENT OF CERTAIN  
MAXIMUM AVERAGE PRICES

An opinion accompanying this amendment to Special Order No. 3 under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Special Order 3 is amended in the following respects:

1. The words "and the first and second quarters of 1946" are substituted for the words "and the first quarter of 1946" wherever they appear in said order except in section 5.

2. Section 5 is amended by amending the last undersigned paragraph thereof to read as follows:

If you wish to use your adjusted maximum average prices for the first and second quarters of 1946, you must file with your OPA District Office, on or before April 20, 1946, two signed copies of a statement containing the information set forth in paragraphs (a), (b) and (c) above as to the first and second quarters of 1946.

3. Section 7 is amended by inserting immediately after the section heading the following paragraph designation and subheading: "(a) Exemption prices for the 3rd and 4th quarters of 1945 and the first and second quarters of 1946."

4. Paragraph (b) is added to section 7 to read as follows:

(b) Exemption prices for the first and second quarters of 1946 only. In recomputing your maximum average prices for the first and second quarters of 1946, you may use the exemption prices set forth below instead of the exemption prices listed in 7 (a) for the same category.

| (1)<br>Category No. | (2)<br>Exemption price |
|---------------------|------------------------|
| A75                 | \$1.32 each.           |
| A76                 | 1.93 each.             |
| A77                 | 1.10 each.             |
| A78                 | 1.32 each.             |
| B5                  | 13.00 dozen.           |
| B11                 | 16.56 dozen.           |
| B35                 | 2.99 each.             |
| B36                 | 3.68 each.             |
| B41                 | 9.20 dozen.            |
| B42                 | 5.75 dozen.            |
| B43                 | 23.46 dozen.           |
| B44a                | 21.50 dozen.           |
| B44b                | 22.08 dozen.           |
| B46                 | 12.74 dozen.           |
| B47                 | 33.12 dozen.           |
| C21                 | 1.75 dozen.            |
| E65                 | 12.66 dozen.           |
| E69a                | 16.00 dozen.           |
| E69b                | 23.00 dozen.           |
| E70b                | 11.50 dozen.           |
| E72                 | 16.00 dozen.           |
| E74a                | 9.00 dozen.            |
| E74b                | 11.50 dozen.           |
| E78                 | 5.90 dozen.            |
| E79                 | 3.85 dozen.            |
| E80a                | 20.00 dozen.           |
| E80b                | 30.00 dozen.           |
| E81a                | 16.00 dozen.           |
| E83                 | 6.86 dozen.            |
| E120                | 3.50 each.             |
| E123                | 3.35 each.             |
| F1                  | 6.74 dozen.            |
| F25                 | 16.00 dozen.           |

<sup>1</sup> 10 F.R. 4336, 5995, 6402, 8368, 10200, 12089, 12984, 13129, 15125.

5. Section 9 is added to read as follows:

Sec. 9. Recalculation of existing surcharges—(a) How to recalculate the existing surcharge. If you have been operating on a makeup basis and have some net surcharge remaining on March 20, 1946, you may subtract from that net surcharge an amount computed as follows:

Step 1: Find the amount of your net surcharge which you have not yet made up by March 20, 1946.

Step 2: Find the difference between your maximum average price as adjusted by using the exemption price in 7 (a) of this order and your maximum average price as adjusted by using the exemption price listed in 7 (b) in each category.

Step 3: For each category multiply the amount found in Step 2 by the number of units you delivered in that category between January 1, 1946 and the close of business on March 19, 1946.

Step 4: Add together the amounts found in Step 3 for all categories.

Step 5: Subtract the amount found in Step 4 from the net surcharge found in Step 1. The result is the net surcharge you must still make up.

NOTE: If the amount found in Step 4 is equal to or greater than the net surcharge found in Step 1, you are deemed to have completed your makeup operation on March 19, 1946 and may resume normal operation under SO 108 on March 20, 1946. However, where the amount found in Step 4 is greater than the net surcharge found in Step 1, you may not carry over the difference as a credit into your normal operation.

(b) Filing a report of the recalculation. If you have recalculated an existing surcharge as described in (a) above, you must file, together with each copy of the statement required by section 5 of this order, a separate statement showing all the calculations found in steps 1 through 5.

This amendment shall become effective March 20, 1946.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4714; Filed, Mar. 20, 1946;  
4:19 p. m.]

[SO 108, Amdt. 4 to Special Order 5]

## TOLERANCES OVER 1943 AVERAGE PRICES

An opinion accompanying this amendment to Special Order 5 under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Special Order No. 5 is amended in the following respects:

1. The words "and the first and second quarters of 1946" are substituted for the words "and the first quarter of 1946" wherever they appear in said order.

2. Section 3 is amended by inserting immediately after the section heading

the following paragraph designation and subheading: "(a) Percentage tolerances for the 3rd and 4th quarters of 1945 and the first and second quarters of 1946."

3. Paragraph (b) is added to section 3 to read as follows:

(b) Percentage tolerances for the first and second quarters of 1946 only. In figuring your percentage increase over your original maximum average price under section 2 (b) (2) of this order, you may, in the first and second quarters of 1946, use the percentage tolerance listed in section 3 (b) of this order instead of the percentage tolerance listed for the same category in section 3 (a).

| Category | Percentage tolerance |
|----------|----------------------|
| A95a     | 5%                   |
| B41      | 15%                  |
| B47      | 15%                  |
| E45b     | 10%                  |
| F15      | 10%                  |

4. Section 5 is added to read as follows:

Sec. 5. Recalculation of existing surcharges—(a) How to recalculate the existing surcharge. If you have been operating on a makeup basis and have some net surcharge remaining on March 20, 1946, you may subtract from that net surcharge an amount computed as follows:

Step 1: Find the amount of your net surcharge which you have not yet made up by March 20, 1946.

Step 2: Find the difference between your maximum average price as adjusted by using the tolerance in 3 (a) of this order and your maximum average price as adjusted by using the tolerance listed in 3 (b) in each category.

Step 3: For each category multiply the amount found in Step 2 by the number of units you delivered in that category between January 1, 1946 and the close of business on March 19, 1946.

Step 4: Add together the amounts found in Step 3 for all categories.

Step 5: Subtract the amount found in Step 4 from the net surcharge found in Step 1. The result is the net surcharge you must still make up.

NOTE: If the amount found in Step 4 is equal to or greater than the net surcharge found in Step 1, you are deemed to have completed your makeup operation on March 19, 1946 and may resume normal operation under SO 108 on March 20, 1946. However, where the amount found in Step 4 is greater than the net surcharge found in Step 1, you may not carry over the difference as a credit into your normal operation.

(b) Filing a report of the recalculation. If you have recalculated an existing surcharge as described in (a) above, you must file, with your OPA District Office on or before April 20, 1946, two signed copies of a statement showing all the calculations found in steps 1 through 5.

This amendment shall become effective March 20, 1946.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4715; Filed, Mar. 20, 1946;  
4:19 p. m.]

[MPR 592, Order 14]

GAFFNEY BRICK CO.

## ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 10 of Maximum Price Regulation 592, *It is ordered:*

(a) The maximum prices for sales by the Gaffney Brick Company, Gaffney, South Carolina, of "A-Grade Common Hard Brick" to any person shall be:

| Dealer<br>f. o. b.<br>plant | Con-<br>tractor<br>and con-<br>sumer<br>f. o. b.<br>plant | Dealer<br>carload<br>delivered<br>to des-<br>tination | Con-<br>tractor<br>and con-<br>sumer<br>carload<br>delivered<br>to des-<br>tination | Dealer<br>truck<br>deliv-<br>ered to<br>job | Con-<br>tractor<br>and con-<br>sumer<br>truck<br>delivered<br>to job |
|-----------------------------|-----------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------------------|
| \$18.50                     | \$19.50                                                   | \$20.50                                               | \$21.50                                                                             | \$20.50                                     | \$21.50                                                              |

(b) The maximum prices established in (a) above reflect the \$4.00 per M brick increase permitted manufacturers under the provisions of sections 2.1 (h) and 2.1 (k) of Order No. 1 of Maximum Price Regulation 592 and may not be further increased pursuant to sections 2.1 (h) and 2.1 (k) of Order No. 1.

(c) "A-Grade Common Hard Brick" means a 50-50 combination of selected common brick and common hard brick, mixed by the manufacturer in the same shipment. These brick need not be packed in straw or other packing material.

(d) Any person purchasing A-Grade Common Hard Brick from the Gaffney Brick Company, Gaffney, South Carolina, for purposes of resale may add to the prices established in paragraph (a) above, an amount not in excess of the average dollar mark-up received by such person during March 1942 in making sales of selected common brick and common hard brick, purchased from the manufacturer specified herein, to purchasers of the same class for like quantities under similar conditions of sale.

(e) The Gaffney Brick Company, Gaffney, South Carolina, shall send the following notation to every purchaser of "A-Grade Common Hard Brick" who buys for resale at the time of the first sale to such purchaser after the effective date of this order:

Order No. 14 under section 10 of Maximum Price Regulation No. 592 issued by the Office of Price Administration establishes the following prices for us for "A-Grade Common Hard Brick":

| Dealer<br>f. o. b.<br>plant | Con-<br>tractor<br>and con-<br>sumer<br>f. o. b.<br>plant | Dealer<br>carload<br>delivered<br>to des-<br>tination | Con-<br>tractor<br>and con-<br>sumer<br>carload<br>delivered<br>to des-<br>tination | Dealer<br>truck<br>deliv-<br>ered to<br>job | Con-<br>tractor<br>and con-<br>sumer<br>truck<br>delivered<br>to job |
|-----------------------------|-----------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------------------|
| \$18.50                     | \$19.50                                                   | \$20.50                                               | \$21.50                                                                             | \$20.50                                     | \$21.50                                                              |

Order No. 14 also provides that a reseller may add to these prices an amount not in excess of the average dollar mark-up received by such reseller during March 1942 in making sales of Selected Common Brick and Common Hard Brick, purchased from the Gaffney Brick Com-

pany, to purchasers of the same class for like quantities under similar conditions of sale.

(f) Any person subject to this order shall make such reports to the Office of Price Administration as it may from time to time require.

(g) This order may be amended or revoked by the Office of Price Administration at any time.

This Order No. 14 shall become effective March 21, 1946.

Issued this 20th day of March, 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4667; Filed, Mar. 20, 1946;  
11:34 a. m.]

[RMPR 136, Amdt. 1 to Order 417]

INTERNATIONAL HARVESTER CO.

## ADJUSTMENT OF MAXIMUM PRICES

Amendment 1 to Order 417 Under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. International Harvester Company; Docket No. 6085-136.21-703.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Order No. 417 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. The schedules in subparagraph (1) of paragraph (a) and subparagraph (1) of paragraph (b) are amended to read as follows:

| Chassis model number | Wheel-<br>base<br>(inches) | List price<br>f. o. b. fac-<br>tory |
|----------------------|----------------------------|-------------------------------------|
| K-5.....             | 135                        | \$955                               |
|                      | 147                        | 975                                 |
|                      | 159                        | 995                                 |
|                      | 177                        | 1,015                               |
|                      | 195                        | 1,050                               |
| K-5B.....            | 176                        | 1,115                               |
| K-7.....             | 134                        | 1,585                               |
|                      | 146                        | 1,605                               |
|                      | 158                        | 1,625                               |
|                      | 176                        | 1,645                               |
|                      | 212                        | 1,730                               |
|                      | 230                        | 1,770                               |
|                      | 248                        | 1,860                               |
| K-8.....             | 137                        | 2,400                               |
|                      | 149                        | 2,420                               |
|                      | 161                        | 2,440                               |
|                      | 179                        | 2,460                               |
|                      | 197                        | 2,480                               |
|                      | 251                        | 2,610                               |
| K-10.....            | 149                        | 3,425                               |
|                      | 161                        | 3,445                               |
|                      | 179                        | 3,465                               |
|                      | 197                        | 3,485                               |

2. All requests not granted herein are denied.

3. This amendment may be amended or revoked by the Administrator at any time.

This amendment shall become effective March 19, 1946.

Issued this 19th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4616; Filed, Mar. 19, 1946;  
4:36 p. m.]

[MPR 580, Order 286]

BENJAMIN &amp; JONES, INC.

## ESTABLISHING CEILING PRICES

Establishing ceiling prices at retail for certain articles; Docket No. 6063-580-13-579.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Benjamin & Jones, Inc., 42 Warren Street, Newark 2, New Jersey, having the brand name "Bien Jolie" and described in the manufacturer's application dated February 6, 1946:

## SEMI STEP-INS

| Style No. | Manufacturer's<br>Selling Price | Retail Ceiling<br>Price |
|-----------|---------------------------------|-------------------------|
|           | <i>Per dozen</i>                | <i>Per unit</i>         |
| 4422..... | \$66.00                         | \$10.00                 |
| 4566..... | 78.00                           | 12.50                   |
| 4574..... | 78.00                           | 12.50                   |
| 4580..... | 78.00                           | 12.50                   |
| 4581..... | 78.00                           | 12.50                   |
| 4583..... | 78.00                           | 12.50                   |
| 4738..... | 96.00                           | 15.00                   |
| 4792..... | 96.00                           | 15.00                   |
| 4793..... | 96.00                           | 15.00                   |
| 4795..... | 96.00                           | 15.00                   |
| 4801..... | 108.00                          | 16.50                   |
| 4802..... | 108.00                          | 16.50                   |
| 4803..... | 108.00                          | 16.50                   |
| 4818..... | 114.00                          | 18.50                   |
| 4885..... | 126.00                          | 20.00                   |
| 4926..... | 150.00                          | 25.00                   |

## CORSETTES

|           |         |         |
|-----------|---------|---------|
| 6754..... | \$96.00 | \$15.00 |
| 6756..... | 96.00   | 15.00   |
| 6816..... | 108.00  | 16.50   |
| 6908..... | 114.00  | 18.50   |
| 6937..... | 126.00  | 20.00   |
| 6939..... | 126.00  | 20.00   |
| 7110..... | 138.00  | 22.50   |
| 7251..... | 144.00  | 25.00   |
| 7312..... | 144.00  | 25.00   |
| 7359..... | 156.00  | 25.00   |
| 7437..... | 168.00  | 29.50   |
| 7752..... | 186.00  | 32.50   |
| 7852..... | 216.00  | 37.50   |

(b) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this order.

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after May 1, 1946, Benjamin & Jones, Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)  
OPA Price—\$-----

On and after May 1, 1946, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to May 1, 1946, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order and all subsequent amendments.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 19, 1946.

Issued this 19th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 48-4623; Filed, Mar. 19, 1946;  
4:37 p. m.]

[MPR 592, Order 1, Incl. Amdts. 1-31]

#### SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

##### MODIFICATION OF MAXIMUM PRICES

This compilation of Order 1 to Maximum Price Regulation 592 includes Amendment 31, effective March 26, 1946. Amendment 31 deletes section 7.9 (d).

An opinion accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.<sup>2</sup>

##### ARTICLE I—EXPLANATORY AND GENERAL PROVISIONS

###### Sec.

- 1.1 Scope of this order.
- 1.2 Provisions revoked.

##### ARTICLE II—MODIFICATION OF MAXIMUM PRICES FOR CLAY PRODUCTS EXCEPT REFRACTORIES

- 2.1 Maximum prices for manufacturers.
- 2.2 Non-standard sizes.
- 2.3 Discounts and allowances.
- 2.4 Maximum prices for resellers.
- 2.5 Definition of "purchaser of the same class".
- 2.6 Maximum prices for manufacturers of electrical clay conduit.

##### ARTICLE III—MODIFICATION OF MAXIMUM PRICES FOR VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS, EXCEPT AS COVERED BY REVISED MAXIMUM PRICE REGULATION 206

- 3.1 Maximum prices for manufacturers.
- 3.2 Discounts and allowances.
- 3.3 Maximum prices for resellers.
- 3.4 Maximum prices for vitrified clay sewer pipe and allied products when sold for delivery outside a factory's normal market area.

##### ARTICLE IV—MODIFICATION OF MAXIMUM PRICES FOR SAND, GRAVEL, CONCRETE PRODUCTS, AND READY-MIXED CONCRETE

- 4.1 Modification of maximum prices of sand and gravel produced in Shelby County, Tennessee.
- 4.2 Modification of maximum prices for silica sand produced in Tennessee.
- 4.3 Modification of producers' maximum prices for certain crushed stone aggregates, concrete building blocks, and ready-mixed concrete produced in Southern Florida.
- 4.4 Modification of maximum prices of ready-mixed concrete.

<sup>1</sup> 10 F.R. 9167.

<sup>2</sup> Opinions are issued simultaneously with orders. Copies may be obtained from the Office of Price Administration.

##### ARTICLE V—MODIFICATION OF MAXIMUM PRICES FOR REFRACTORY PRODUCTS

###### Sec.

- 5.1 Maximum prices for manufacturers.
- 5.2 Maximum prices for resellers.
- 5.3 Discounts and allowances.
- 5.4 Formula for establishment of maximum prices for special refractory shapes.
- 5.5 Formula for establishment of maximum prices for fireclay, super-duty fireclay, high alumina, silica, or insulating refractory brick.
- 5.6 Modification of maximum prices for crude refractory flint clay.
- 5.7 Modification of maximum prices for calcined flint fire clay.

##### ARTICLE VI—MODIFICATION OF MAXIMUM PRICES ON SALES BETWEEN MANUFACTURERS

- 6.1 Maximum prices for manufacturers.
- 6.2 The following commodities shall be subject to the provisions of section 6.1.

##### ARTICLE VII—MODIFICATION OF MAXIMUM PRICES FOR MISCELLANEOUS COMMODITIES

- 7.1 Modification of maximum prices for slate burial vaults.
- 7.2 Authorization of maximum prices for crude talc produced in Esmeralda County, Nevada.
- 7.3 Modification of maximum prices for pyrophyllite.
- 7.4 Modification of maximum prices for asphalt and/or tar base roof coatings and cements in containers.
- 7.5 Modification of maximum prices for gypsum wall board, lath and sheathing.
- 7.6 Modification of maximum prices for rough quarry limestone blocks.
- 7.7 Modification of maximum prices for clay glass melting pots and rings.
- 7.8 Modification of maximum prices for sales of gypsum lath and liner board produced in the United States excluding the States of California and Nevada.
- 7.9 Modification of maximum prices for gypsum lath manufactured in the States of California and Nevada.
- 7.10 Modification of maximum prices for sales of calcined gypsum plaster "bag goods," including Keene's cement, white goods and Terra Alba combinations, produced in the United States excluding the States of California and Nevada.
- 7.11 Modification of maximum prices for window and picture glass.
- 7.12 Modification of maximum prices for electrical fibre conduit and fibre pipe.
- 7.13 Modification of maximum prices for certain deliveries outside a plant's normal market area.

##### ARTICLE VIII—MODIFICATION OF MAXIMUM PRICES FOR BUILDING, CHEMICAL AND INDUSTRIAL LIME (EXCLUDING AGRICULTURAL LIME)

- 8.1 Maximum prices for manufacturers.
- 8.2 Discounts and allowances.
- 8.3 Modification of provision for determining maximum prices.
- 8.4 Resellers' prices.

##### ARTICLE I—EXPLANATORY AND GENERAL PROVISIONS

SECTION 1.1 *Scope of this order.* Modifications of maximum prices of commodities covered by Maximum Price Regulation 592<sup>1</sup> pursuant to section 25 of that regulation, are set forth in this Order No. 1. This Order No. 1 brings together, restates and reclassifies the modifications of maximum prices (except those which have become obsolete) previously contained in Order A-1 under Maximum Price Regulation 188 insofar as they applied to commodities now covered by this regulation and inso-

<sup>1</sup> 10 F.R. 3090, 5793, 6952.

far as they are intended to continue in effect under this regulation. This Order No. 1 does not, as of the date issued, change the operative effect of any such modification previously listed under Order A-1 under Maximum Price Regulation 188, but merely consolidates and continues them in effect under this Order No. 1 under Maximum Price Regulation 592. Other modifications may be added to this Order No. 1 whenever necessary by amendment.

SEC. 1.2 *Provisions revoked.* Order A-1 under Maximum Price Regulation 188 is not revoked but is being amended simultaneously herewith so as to remove therefrom the paragraphs now incorporated herein.

##### ARTICLE II—MODIFICATION OF MAXIMUM PRICES FOR CLAY PRODUCTS EXCEPT REFRACTORIES

[Article heading amended by Am. 8, 10 F.R. 11732, effective 9-17-45]

SEC. 2.1 *Maximum prices for manufacturers—(a) Maximum prices for manufacturers in the New England Area.* (1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for clay building brick (common and face, except ceramic glazed), manufactured in the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, may be increased by adding an amount not in excess of \$3.75 per thousand for standard size brick to the f. o. b. plant prices or delivered prices.

(2) Any price adjustments granted prior to December 26, 1944, by the Price Administrator or any Regional Administrator for any seller of brick covered by the provisions set forth in (1) above, and particularly Order G-31 under Maximum Price Regulation 188, issued by the Boston Regional Office on October 20, 1943, which permitted an increase in an amount not in excess of \$2.00 per M in the maximum prices of common sand-struck brick for any manufacturer in New England, are hereby revoked.

(b) *Maximum prices for manufacturers in the Hudson River Area.* (1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for clay building brick (common and face, except ceramic glazed brick and "H" Grade Hudson River Common Brick) produced in that part of the state of New York within 10 air miles of the east and west banks of the Hudson River between the north line of the City of Schuylerville and the south line of the City of Newburgh, may be increased by adding the following amounts to the f. o. b. plant or delivered prices:

[Above paragraph amended by Am. 12, 10 F.R. 13168, effective 10-25-45]

(i) \$3.25 per thousand for standard size brick and \$4.00 per thousand for oversize brick when delivered in the Metropolitan New York City Area, which is defined to include that area of New York State lying east of the Hudson River and west of a line directly connecting Ossining, New York, with Rye, New York, and that portion of Long Island and New York City which lies west of the boundary between Nassau and Suffolk Counties. It also includes Staten Island,

the west bank of the Hudson River south of Haverstraw, New York, and the waters of the Passaic and Hackensack Rivers, and the tributary waters of such rivers, as far north as Passaic, New Jersey, and Hackensack, New Jersey, respectively.

(ii) \$2.25 per thousand for standard size and \$2.75 per thousand for oversize brick when delivered in areas other than the Metropolitan New York City Area.

(iii) The maximum prices for the above classification of brick shall be subject to an allowance of \$1.00 per M for unloading and \$0.50 per M for cash payment. The terms under which such allowances are given shall not be made more onerous to the purchaser than those in effect in March 1942.

(2) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for "H" Grade Hudson River common brick, which, for the purpose of this paragraph (b) means brick meeting Federal Specification Physical Requirements "E-2, H Grade" SS-B-656, issued June 28, 1932, produced by the Nassau Brick Company, Incorporated, Farmingdale, New York, may be increased by adding \$1.00 per thousand for standard size brick and \$1.25 per thousand for oversize brick to the f. o. b. plant or delivered prices.

(3) Any price adjustments granted prior to July 30, 1945, by the Price Administrator or any Regional Administrator for any seller of brick covered by the provisions set forth in (b) (1) and (2) above, and particularly Amendments 5, 28, and 37 to Order A-1 of Maximum Price Regulation 188, are hereby revoked.

(c) *Maximum prices for manufacturers in certain Middle Atlantic States.* (1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for clay building brick (common and face, except ceramic glazed), produced in the States of Delaware and Maryland; the counties of New York west of and including Franklin, Hamilton, Fulton, Montgomery, Schoharie and Delaware; the counties of Pennsylvania east of and including Tioga, Lycoming, Clinton, Centre, Huntington and Fulton; and the District of Columbia may be increased by adding an amount not in excess of \$1.75 per thousand for standard size brick to the f. o. b. plant prices or delivered prices.

(2) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for structural clay hollow building tile (except ceramic glazed ware) and clay drain tile (glazed and unglazed), produced in the area described in (c) (1) above, may be increased by adding thereto an amount not in excess of \$0.70 per ton to the f. o. b. plant prices or delivered prices.

(3) Any price adjustments granted prior to January 15, 1945, by the Price Administrator or any Regional Administrator for any seller of brick, building tile, or drain tile, covered by the provisions set forth in (c) (1) and (2) above, are hereby revoked.

(d) *Maximum prices for manufacturers in New Jersey.* (1) The manufacturer's maximum prices for clay building brick (common and unglazed face) produced in the State of New Jersey established pursuant to Maximum

Price Regulation No. 592, may be increased by adding an amount not in excess of \$3.00 per thousand for regular size brick to the f. o. b. plant price or the delivered price.

(2) Any price adjustments granted prior to August 26, 1944, by the Price Administrator or any Regional Administrator for any seller of brick covered by the provisions set forth in (d) (1) above, and particularly Amendments 27 and 50 to Order A-1 of Maximum Price Regulation 188, are hereby revoked.

(e) *Maximum prices for manufacturers in certain East North Central States.*

(1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for shale and clay building brick (smooth, sanded, or wire cut) produced in the States of Ohio, West Virginia, Michigan (except the Upper Peninsula), and in that part of Pennsylvania west of and including Potter, Cameron, Clearfield, Blair and Bedford Counties, may be increased by adding thereto an amount not in excess of \$3.75 per thousand for standard size brick to the f. o. b. plant prices or delivered prices.

(2) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for structural clay hollow building tile (except ceramic glazed ware) produced in the area described in (e) (1) above, may be increased by adding thereto an amount not in excess of \$1.51 per ton to the f. o. b. plant prices or delivered prices.

(3) Any price adjustments granted prior to September 11, 1944, by the Price Administrator or any Regional Administrator for any seller of brick and building tile covered by the provisions stated in (e) (1) and (2) above, are hereby revoked.

(4) *Maximum prices for manufacturers of drain tile in the States of Ohio and Michigan.* The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for clay or shale drain tile produced in the States of Ohio and Michigan may be modified by adding an amount per M feet, not in excess of the amount set forth below opposite the following sizes and weights:

| Size (Inches) | Weight per foot (pounds) | Adjustment per M feet |
|---------------|--------------------------|-----------------------|
| 3.....        | 4                        | \$4.80                |
| 4.....        | 6                        | 7.20                  |
| 5.....        | 9                        | 10.80                 |
| 6.....        | 12                       | 14.40                 |
| 8.....        | 18                       | 21.60                 |
| 10.....       | 28                       | 33.60                 |
| 12.....       | 36                       | 43.20                 |
| 15.....       | 56                       | 67.20                 |
| 18.....       | 78                       | 93.60                 |
| 20.....       | 85                       | 102.00                |
| 22.....       | 107                      | 128.40                |
| 24.....       | 120                      | 144.00                |

Any individual price adjustments granted prior to January 7, 1946, by the Price Administrator or any Regional Administrator for any manufacturer of drain tile in the State of Michigan are hereby revoked.

[Subparagraph (4) amended by Am. 26, 11 F.R. 474, effective 1-7-45]

(5) *Maximum delivered prices for shipment of drain tile into certain counties in New York, Ohio and all of the*

*State of Virginia.* (i) The manufacturer's maximum delivered prices for sales of drain tile for shipment into any of the counties in New York and Ohio, listed below, and into the entire State of Virginia, when shipment is made from plants located in Ohio, shall be as follows:

CHART I—MAXIMUM DELIVERED PRICES PER M FEET FOR SHIPMENT INTO CERTAIN COUNTIES IN NEW YORK

| Size (Inch) | Erie, Niagara, Chautauqua, Cattaraugus | Orleans, Genesee, Wyoming, Monroe, Livingston | Cayuga, Chenango, Cortland, Broome, Madison, Oneida, Onondaga, Chemung, Schuyler, Ontario, Oswego, Seneca, Steuben, Tompkins, Wayne, Yates, Tioga |
|-------------|----------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.....      | \$42.00                                | \$43.60                                       | \$45.20                                                                                                                                           |
| 4.....      | 54.00                                  | 56.40                                         | 58.80                                                                                                                                             |
| 5.....      | 68.80                                  | 72.80                                         | 76.80                                                                                                                                             |
| 6.....      | 111.00                                 | 115.80                                        | 120.00                                                                                                                                            |
| 8.....      | 174.00                                 | 181.20                                        | 188.40                                                                                                                                            |
| 10.....     | 274.00                                 | 285.20                                        | 298.40                                                                                                                                            |
| 12.....     | 358.00                                 | 372.40                                        | 386.80                                                                                                                                            |
| 15.....     | 568.00                                 | 590.40                                        | 612.80                                                                                                                                            |

CHART II—MAXIMUM DELIVERED PRICES FOR SHIPMENTS INTO THE STATE OF VIRGINIA

| Size (Inches): | Price per M feet |
|----------------|------------------|
| 3.....         | \$47.60          |
| 4.....         | 62.40            |
| 5.....         | 102.80           |
| 6.....         | 127.80           |
| 8.....         | 199.20           |
| 10.....        | 313.20           |
| 12.....        | 408.40           |
| 15.....        | 646.40           |

CHART III—MAXIMUM DELIVERED PRICES FOR SHIPMENT INTO CUYAHOGA COUNTY, OHIO

| Size (Inches): | Price per M feet |
|----------------|------------------|
| 3.....         | \$36.80          |
| 4.....         | 46.20            |
| 5.....         | 75.80            |
| 6.....         | 95.40            |
| 8.....         | 146.60           |
| 10.....        | 233.60           |
| 12.....        | 303.00           |
| 15.....        | 517.00           |

Prices in Chart III subject to \$1.00 per ton jobber discount, and \$1.00 per ton dealer discount.

(ii) The maximum delivered prices established in (i) above, shall not be further increased pursuant to the provisions of section 2.1 (e) (4).

[Subparagraph (5) added by Am. 29, 11 F.R. 2568, effective 3-8-46]

(f) *Maximum prices for manufacturers in certain North Central States.*

(1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for building brick (common and unglazed face), produced in the States of Illinois, Indiana, and Kentucky; that part of Missouri east of and including the counties of Putnam, Adair, Macon, Randolph, Howard, Cooper, Moniteau, Miller, Pulaski, Texas, and Howell; and that part of the State of Wisconsin east of and including the counties of Brown, Outagamie, Winnebago, Fond du Lac, Dodge, Jefferson, and Rock, may be increased by adding an amount not in excess of \$2.50 per thousand for standard size brick to the f. o. b. plant prices or delivered prices.

(2) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592 for structural clay hollow building tile (except ceramic

glazed ware), and clay drain tile (glazed and unglazed), produced in the area described in (f) (1) above, may be increased by adding thereto an amount not in excess of \$0.97 per ton to the f. o. b. plant prices or delivered prices.

(3) Any price adjustments granted prior to October 13, 1944, by the Price Administrator or any Regional Administrator, for any seller of brick, building tile, or drain tile, covered by the provisions set forth in (f) (1) and (2) above, are hereby revoked.

(g) *Maximum prices for manufacturers in certain West North Central States.* (1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for clay building brick (common and face, except ceramic glazed), produced in the States of Iowa, Minnesota, Nebraska, North Dakota, South Dakota, the Upper Peninsula of Michigan, and Counties of Wisconsin lying north and west of and including Oconto, Shawano, Waupaca, Waushara, Green Lake, Columbia, Dane and Green, may be increased by adding an amount not in excess of \$2.00 per thousand to f. o. b. plant prices or delivered prices for standard size brick.

(2) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592 for structural clay hollow building tile (except ceramic glazed ware) and clay drain tile produced in the area described in (g) (1) above, may be increased by adding an amount not in excess of \$0.80 per ton to the f. o. b. plant or delivered prices.

(3) Any price adjustments granted prior to October 7, 1944, by the Price Administrator or any Regional Administrator for any seller of brick and tile covered by the provisions set forth in (g) (1) and (2) above, are hereby revoked.

(h) *Maximum prices for manufacturers in certain Southern States.* (1) The manufacturers' maximum prices for clay building brick (common and unglazed face) produced in the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, established pursuant to Maximum Price Regulation No. 592, may be increased by adding an amount not in excess of \$2.00 per thousand to f. o. b. plant prices or delivered prices on standard size brick.

(2) The manufacturer's maximum prices established pursuant to Maximum Price Regulation No. 592, for structural clay hollow building tile (except ceramic glazed ware) and clay drain tile produced in the area described in (h) (1) above, may be increased by adding thereto an amount not in excess of \$0.60 per ton to the f. o. b. plant prices or delivered prices.

(3) Any price adjustments granted prior to August 26, 1944, by the Price Administrator or any Regional Administrator for any seller of brick covered by the provisions set forth in (h) (1) above are hereby revoked.

Any price adjustments granted prior to November 25, 1944, for any seller of building tile covered by the provisions set forth in (h) (2) above, are hereby revoked.

(i) *Maximum prices for manufacturers in certain Southwestern States.*

(1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for clay building brick (common and face, except ceramic glazed), produced in the States of Arkansas, Louisiana, Oklahoma, and Texas, may be increased by adding an amount not in excess of \$1.75 per thousand for standard size brick to the f. o. b. plant prices or delivered prices.

(2) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for structural clay hollow building tile (except ceramic glazed ware), and clay drain tile (glazed and unglazed), produced in the area described in (i) (1) above, may be increased by adding thereto an amount not in excess of \$0.72 per ton to the f. o. b. plant prices or delivered prices.

(3) Any price adjustments granted prior to October 11, 1944, by the Price Administrator or any Regional Administrator for any seller of brick, building tile, or drain tile, covered by the provisions set forth in (i) (1) and (2) above, are hereby revoked.

(j) *Maximum prices for manufacturers in certain Midwestern States.* (1)

The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for clay building brick (common and face, except ceramic glazed), produced in the States of Colorado, Kansas, and that part of Missouri west of and including the counties of Mercer, Sullivan, Linn, Chariton, Saline, Pettis, Morgan, Camden, Laclede, Wright, Douglas, and Ozark, may be increased by adding an amount not in excess of \$2.50 per thousand for standard size brick to the f. o. b. plant prices or delivered prices.

(2) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for structural clay hollow building tile (except ceramic glazed ware), and clay drain tile (glazed and unglazed), produced in the area described in (j) (1) above, may be increased by adding an amount not in excess of \$1.07 per ton to the f. o. b. plant prices or delivered prices.

(3) Any price adjustments granted prior to October 13, 1944, by the Price Administrator or any Regional Administrator, for any seller of brick, building tile, or drain tile, covered by the provisions set forth in (j) (1) and (2) above, are hereby revoked.

(k) *Manufacturers' maximum prices in Structural Clay Products Areas 1-12—*

(1) *What this paragraph covers.* This paragraph covers the manufacturers' maximum prices for clay and shale building brick (common and face, except glazed), structural clay hollow building tile (except glazed facing tile), and clay drain tile (except clay drain tile produced in Structural Clay Products Area 4), manufactured in Structural Clay Products Areas 1-12 inclusive. As used in this paragraph Structural Clay Products Area 4 means the states of Ohio, West Virginia, Michigan, except the Upper Peninsula, and that part of Pennsylvania west of and including the counties of Potter, Cameron, Clearfield, Blair and Bedford. As used in this paragraph

Structural Clay Products Areas 1-12 inclusive means the continental United States excluding the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, New Mexico, California, Washington, and Oregon.

[Subparagraph (1) amended by Am. 24, 11 F.R. 213, effective 1-2-46]

(2) *Manufacturers' maximum prices.* The manufacturers' maximum f. o. b. plant or delivered prices for the items covered by this paragraph established pursuant to Maximum Price Regulation 592 as increased by the applicable area provisions of paragraphs (a) to (j) of section 2.1 of Order No. 1 under Maximum Price Regulation 592, may be further increased by an amount not in excess of \$2.00 per thousand for standard size brick and \$0.80 per ton for tile.

(3) *Manufacturers' individual price adjustments.* (i) Any individual price adjustments granted prior to September 18, 1945, by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above, in an amount equal to or less than the increase permitted by this paragraph are hereby revoked.

(ii) Any individual adjustments granted prior to September 18, 1945 by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above, in an amount greater than the increase permitted by this paragraph, are hereby continued in full force and effect; such individual adjustments shall not however, be further increased by the increase permitted in this paragraph.

[Paragraph (k) added by Am. 9, 10 F.R. 11968, effective 9-18-45]

(1) *Manufacturers' maximum prices in Structural Clay Products Areas 13-17 inclusive—*(1) *What this paragraph covers.* This paragraph covers manufacturers' maximum prices for clay and shale building brick (common and face), structural clay hollow tile, and clay drain tile manufactured in Structural Clay Products Areas 13-17 inclusive. As used in this paragraph, Structural Clay Products Areas 13-17 means the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, New Mexico, California, Washington and Oregon.

(2) *Manufacturers' maximum prices.* The manufacturers' maximum f. o. b. plant or delivered prices, for items covered by this paragraph, established pursuant to Maximum Price Regulation 592, may be increased by an amount not in excess of \$2.00 per thousand for standard size brick and \$0.80 per ton for tile.

(3) *Manufacturers' individual or area price adjustments.* (i) Any individual price adjustments or area adjustments granted prior to January 2, 1946 by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above, in an amount equal to or less than the increase permitted by this paragraph are hereby revoked.

(ii) Any individual price adjustments or area price adjustments granted prior to January 2, 1946 by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above, in an amount greater

than the increase permitted in this paragraph are hereby continued in full force and effect; such individual or area adjustments shall not, however, be further increased by the increase permitted in this paragraph.

[Paragraph (l) added by Am. 23, 10 F.R. 15490, effective 1-2-46]

(m) *Manufacturers' maximum prices for glazed brick and glazed facing tile in Structural Clay Products Areas 1-12.*

(1) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592 for glazed clay building brick and glazed clay facing tile produced in Structural Clay Products Areas 1-12 inclusive may be increased by adding an amount not in excess of \$4.50 per thousand for standard size brick equivalent to the March 1942 f. o. b. plant or delivered prices. As used in this paragraph Structural Clay Products Areas 1-12 means the continental United States excluding the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, New Mexico, California, Washington and Oregon.

(2) *Manufacturers' individual price adjustments.* Any individual price adjustments granted prior to January 2, 1946 by the Price Administrator or any Regional Administrator to any manufacturer of the products set forth in (1) above are hereby revoked.

[Paragraph (m) added by Am. 24, 11 F.R. 213, effective 1-2-46]

**Sec. 2.2 Non-standard sizes.** If the manufacturer had an established differential in price during the month of March 1942 for non-standard sizes of brick he may convert the adjustment granted herein for standard size brick on the basis of the conversion factors of formula in use by him during March 1942 in establishing a price differential between the standard size brick under this adjustment, unless special provision has been made in the applicable paragraph of section 2.1 above for non-standard sizes.

[Sec. 2.2 amended by Am. 11, 10 F.R. 12972, effective 10-22-45]

**Sec. 2.3 Discounts and allowances.** The maximum prices established herein shall be subject to at least the same cash, quantity and other discounts, transportation allowances, services, and other terms and conditions of sale as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

**Sec. 2.4. Maximum prices for resellers.** (a) Any jobber or dealer purchasing clay or shale building brick, structural clay hollow building tile, and clay drain tile for resale from any manufacturer who has modified his maximum prices in accordance with section 2.1 above, may increase his maximum prices f. o. b. yard or delivered, established by the General Maximum Price Regulation, by the dollars-and-cents increase in cost resulting from the increase permitted the manufacturer under section 2.1 above. Notwithstanding the provisions of this paragraph, increases in costs of drain tile to jobbers and dealers located in Cuyahoga

County, Ohio, resulting from the manufacturer's discount changes specified in Chart III in section 2.1 (e) (5) above, may not be made the basis of a modification in the jobbers' and dealers' resale prices.

(b) Notwithstanding the provision of (a) above, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

[Sec. 2.4 amended by Am. 26, 11 F.R. 474, effective 1-7-45 and Am. 29, 11 F.R. 2568, effective 3-8-46]

**Sec. 2.5 Definition of "purchaser of the same class".** The term "purchaser of the same class" as defined in section 5 (b) (4) of Maximum Price Regulation No. 592 shall not apply to manufacturers' sales of structural clay products (building brick, building tile, mortar mix, conduit, filter block, liners, underdrain and paving brick) and miscellaneous clay products (drain tile, floor, quarry, roofing and wall tile). As applied to manufacturers' sales of these products the following definition shall apply:

"Purchaser of the same class" means functional class such as consumer, contractor, dealer, distributor, jobber, industrial purchaser, or government agency. In determining the highest price charged to a functional class of purchaser, the seller may not consider isolated sales, or sales under unusual circumstances, which were unusually high in comparison with the seller's general level of prices charged to each class of purchasers.

Where the seller has a practice of quoting delivered prices for well defined areas, purchasers in each of such areas shall be considered as a separate functional class. For the purpose of this section, "delivered price" does not include sales made on a plant freight allowed or deducted basis.

[Sec. 2.5 added by Am. 8, 10 F.R. 11732, effective 9-17-45]

**Sec. 2.6 Maximum prices for manufacturers of electrical clay conduit.** (a) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592 for electrical clay conduit produced in the continental United States may be increased by adding an amount not in excess of \$3.25 per ton to the March 1942 f. o. b. plant or delivered prices.

(b) The adjusted maximum prices established in (a) above, shall not be further increased pursuant to the provisions of section 2.1 of Order No. 1 of Maximum Price Regulation No. 592.

(c) Any individual price adjustments granted prior to March 13, 1946, by the Price Administrator or any Regional Administrator to any manufacturer of electrical clay conduit are hereby revoked.

[Sec. 2.6 added by Am. 30, 11 F.R. 2870, effective 3-13-46]

#### ARTICLE III—MODIFICATION OF MAXIMUM PRICES FOR VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS, EXCEPT AS COVERED BY REVISED MAXIMUM PRICE REGULATION 206

**Sec. 3.1 Maximum prices for manufacturers—(a) Maximum prices for manufacturers in the Eastern and East**

**Central Areas.** (1) A manufacturer's maximum price established pursuant to Maximum Price Regulation No. 592, for vitrified clay sewer pipe and allied products, except as covered by Revised Maximum Price Regulation No. 206, produced in the Eastern or East Central Area, as defined below, shall be increased in accordance with either of the following pricing methods:

(i) By adding an amount not in excess of 9.7 percent to the maximum prices in effect on December 16, 1945, for the same quality, kind and quantity of sewer pipe products delivered to purchasers of the same class, or

[Subparagraph (i) amended by Am. 19, 10 F.R. 15015, effective 12-17-45]

(ii) By adding amounts not in excess of such amounts as may be required to maintain differentials between prices established under this subdivision and those established by sections 5.4 and 7.4 of Revised Maximum Price Regulation 206, as amended, at least as favorable as those existing during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class.

(2) When used in this paragraph (a) the term:

(i) "Eastern area" means the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, lower peninsula of Michigan, and that portion of Kentucky described as follows: All points in Campbell and Kenton Counties and points located on the Chesapeake and Ohio Railway from Covington to Catlettsburg, inclusive, and all points on the Big Sandy Division of the Chesapeake and Ohio Railway.

(ii) "East Central area" means the State of Indiana, all of the State of Kentucky not included within the Eastern Area, the Upper Peninsula of Michigan, Zones 1, 2, and 5 in the State of Illinois, and Zones 1, 2, and 5 in the State of Wisconsin. In the State of Illinois: Zone 1 comprises all points on and east of Third Principal Meridian south of Baltimore and Ohio Railroad (Chicago, Illinois and Western Railroad) extending through Decatur and Tuscola to the Indiana State Line; Zone 2 covers all points on and north of the Baltimore and Ohio Railroad (Chicago, Illinois and Western Railroad) extending through Decatur and Tuscola, to the Indiana State Line, and east of Third Principal Meridian from point of intersection with the Baltimore and Ohio Railroad west of Decatur north to point of intersection with the Illinois Central Railroad near Mendota, on and east of the Illinois Central Railroad through Dixon and Freeport to the Wisconsin State Line, excepting all of Lake, Cook, Kane, Du Page and Will counties; Zone 5 includes all of Lake, Cook, Kane, Du Page and Will Counties. In the State of Wisconsin: Zone 1 commencing south of a line drawn from Foscuro on Lake Michigan west along the northern boundary of Kewau-

nee, Brown, Waupaca, Portage and Wood counties, including the southeast corner of Shawano County, and east of a line running north and south along the western boundary of Green, Dane, Sauk, Juneau, and Wood counties, excepting the counties of Kenosha, Racine, and Milwaukee; Zone 2 starting north of a line drawn from Foscuro on Lake Michigan along the northern boundary of Kewaunee, Brown, Waupaca, Portage and Wood counties, and through the southeast corner of Shawano County and east of a line drawn north and south along the western boundary of Marathon, Lincoln, Oneida, and Iron Counties; Zone 5 consisting of Kenosha, Racine, and Milwaukee Counties.

(b) *Maximum prices for manufacturers in the Southern Area.* (1) A manufacturer's maximum prices established pursuant to Maximum Price Regulation No. 592 for vitrified clay sewer pipe and allied products, except as covered by Revised Maximum Price Regulation No. 206, produced in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, Mississippi, and Louisiana east of the Mississippi River may be increased by adding an amount not in excess of 12.3 percent per short ton to the f. o. b. plant prices or delivered prices.

(c) *Maximum prices for manufacturers in the West Central, South Central and Rocky Mountain Areas.* A manufacturer's maximum prices for vitrified clay sewer pipe and allied products, except as covered by Revised Maximum Price Regulation 206, produced in the States of Arkansas, Kansas, Nebraska, Oklahoma, Missouri, Iowa, North Dakota, South Dakota, Minnesota; Zones 3 and 4 in Wisconsin; Zones 3 and 4 in Illinois; the State of Texas; that part of Louisiana west of the Mississippi River; the States of Colorado, Utah, New Mexico, Zones 1, 2 and 3 in Wyoming; Zones 2 and 3 in Montana; Zone 3 in Idaho; Zone 2 in Nevada; and Zone 2 in Arizona, shall be increased in accordance with either of the following pricing methods:

(1) By adding an amount not in excess of 10 percent to the highest prices charged during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class, or

(2) By adding amounts not in excess of such amounts as may be required to maintain discount differentials between prices established under this subdivision and those established by sections 8.4, 9.4 and 10.4 of Revised Maximum Price Regulation 206, as amended, at least as favorable as those existing during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class.

**SEC. 3.2 Discounts and allowances.** The maximum prices granted herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on com-

parable sales to purchasers of the same class during the month of March 1942.

**SEC. 3.3 Maximum prices for resellers.** Any reseller purchasing vitrified clay sewer pipe and allied products, except as covered by Revised Maximum Price Regulation No. 206, for resale from any manufacturer who has modified his maximum prices in accordance with section 3.1 above, may increase his maximum prices, by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted manufacturers in section 3.1 above.

**SEC. 3.4 Maximum prices for vitrified clay sewer pipe and allied products when sold for delivery outside a factory's normal market area.** (a) The manufacturers' maximum prices for vitrified clay sewer pipe and allied products, except as covered by Revised Maximum Price Regulation 206, when sold for shipment from a factory to a destination which is outside the normal market area of such factory, to a Federal, State, county or municipal governmental agency, or to a drainage or sewerage district, or to a contractor or sub-contractor of any such agency or district, may be determined in the following manner:

(1) A price f. o. b. factory not in excess of 95 percent of the f. o. b. plant price for straight or mixed carload shipments. The following methods shall be used in determining the f. o. b. plant price which shall apply to manufacturers who wish to use this subdivision;

(i) For those manufacturers who sell on an f. o. b. plant basis, the price so established in this Maximum Price Regulation 592.

(ii) For those manufacturers who sell at a delivered price based on geographical zones, the delivered price as established in this Maximum Price Regulation 592, for the zone within which the factory is located, less the weighted average freight paid by the manufacturer, during the calendar year 1941, for delivery in the zone in which the factory is located.

For those manufacturers who determine their price in accordance with (ii) the weighted average freight shall be determined in the following manner: From the total amount of freight paid during the year 1941 for rail delivery of sewer pipe products to the zone within which the factory is located, deduct that amount of freight applicable to dunnage only, that is, to crating, bracing, or other materials carried for the protection of the product. Divide the balance by the total amount of tons of sewer pipe products delivered by rail, during the calendar year 1941, in the zone in which the factory is located.

(iii) For manufacturers located in the Eastern Area, who sell at a delivered price based on freight rate zones, the delivered price as established in this Maximum Price Regulation 592, in the first or 10¢ zone, less the highest amount of freight from Akron, for delivery to the first, or 10¢ zone.

(2) A delivered price may be charged under this provision not higher than the maximum price established in this subparagraph, f. o. b. factory plus the actual freight charges incurred by the manufacturer in making delivery to the point of destination.

(3) Material purchased in accordance with the provisions of this subparagraph which is in excess of requirements, or which is rejected by the purchaser for cause, may be re-sold to any person at the prices established by the General Maximum Price Regulation,<sup>9</sup> for the same grade or quality for the area in which the product is ultimately used.

(b) A manufacturer may sell vitrified clay sewer pipe and allied products to any person who resells to any of the purchasers specified in (a) above, at prices not in excess of the maximum prices established pursuant to (a) above.

(c) The manufacturer must compute transportation charges on the basis of rail carload quantities.

(d) The manufacturer must secure and retain for inspection of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect a certificate signed by the purchaser in the following form:

**CERTIFICATE FORM**

(Form OPA 678-655a)

Place \_\_\_\_\_  
Date \_\_\_\_\_

Project \_\_\_\_\_  
(Identity: Number, location, etc.)

Purchaser \_\_\_\_\_  
(Area engineer; purchasing agent; contractor; subcontractor)

Quantity and description of sewer pipe products required: \_\_\_\_\_

The quantity of sewer pipe products listed above are required for the construction of the project named above. Diligent effort has been made to secure the necessary products from the sources of supply normally servicing the area where the project is located. Such sources are unable to supply the required products within the time allotted for construction. Therefore, it becomes necessary to purchase the required products from \_\_\_\_\_

Company \_\_\_\_\_  
(Indicate whether distributor or manufacturer), whose office is located at \_\_\_\_\_

The products so purchased will not be used on any project other than one controlled by a Federal, State, county, or municipal governmental agency, or by a Drainage or Sewerage District, or by a contractor or subcontractor of any such Agency or District, except products that have been rejected for cause.

(Name of purchaser)

By \_\_\_\_\_  
(Title)

(4) The following form of endorsement shall be made by the seller if he is not the manufacturer of the sewer pipe products. Such endorsement may be made on the reverse side of purchaser's certificate.

<sup>9</sup> 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274, 14965.

## ENDORSEMENT FORM

(Form OPA 678-656a)

The undersigned has received an order from \_\_\_\_\_ of \_\_\_\_\_, which is covered by the certificate on the reverse side, or attached hereto. The undersigned is unable and will be unable to supply the requirements of the purchaser from our own stock of vitrified clay sewer pipe, or allied products, in the time allotted for delivery. It is therefore necessary to order from \_\_\_\_\_ of \_\_\_\_\_ the requirements of purchaser as listed on the certificate. Prices charged the purchaser by the undersigned do not exceed the maximum prices established in Article IV, section 3.4 of Order No. 1 under Maximum Price Regulation No. 592.

By \_\_\_\_\_  
(Title)

(e) Every manufacturer who makes a sale pursuant to this subparagraph in any month shall make a report to the Office of Price Administration, Washington 25, D. C., on or before the 15th day of the following month, setting forth a list of all sales which resulted in sewer pipe products being shipped to points outside his normal market area during the preceding calendar month, showing the name and address of the purchaser, the point of shipment and the point of delivery, the quantity and classification of products sold, the price charged, and the method of computing such price.

When used in this subparagraph the term:

"Normal market area" for any factory means that area in which sewer pipe products were regularly offered for sale during the period January 1, 1940, to January 1, 1942; for the purposes of this definition, sewer pipe products will be deemed to have been "regularly offered for sale" only in that area in which the factory had salesmen travelling at regular intervals and/or customarily quoted for shipment during the above-mentioned period.

#### ARTICLE IV—MODIFICATION OF MAXIMUM PRICES FOR SAND, GRAVEL, CONCRETE PRODUCTS, AND READY-MIXED CONCRETE

SEC. 4.1 *Modification of maximum prices of sand and gravel produced in Shelby County, Tennessee.* (a) The maximum prices for washed sand and gravel produced in Shelby County, Tennessee, when sold by producers shall be as follows:

| Description of commodity                     | Size           | Maximum prices per ton of 2000 pounds f. o. b. plant |
|----------------------------------------------|----------------|------------------------------------------------------|
| Sand (all grades).....                       |                | \$0.70                                               |
| Torpedo gravel.....                          | ¾ inch down    | .70                                                  |
| Concrete gravel (sand and gravel mixed)..... |                | 1.40                                                 |
| Washed and screened gravel.....              | 1½ to ¾ inches | 1.40                                                 |

(b) The maximum prices for washed sand and gravel produced in Shelby County, Tennessee, when sold by dealers f. o. b. producer's plant shall be as follows:

| Description of commodity                     | Size         | Maximum prices per ton of 2,000 pounds |
|----------------------------------------------|--------------|----------------------------------------|
| Sand (all grades).....                       |              | \$0.80                                 |
| Torpedo gravel.....                          | ¾ inch down  | .80                                    |
| Concrete gravel (sand and gravel mixed)..... |              | 1.50                                   |
| Washed and screened gravel.....              | 1½ to ¾ inch | 1.50                                   |

(c) The maximum prices for washed sand and gravel produced in Shelby County, Tennessee, when sold by dealers delivered to job site by truck within the city limits of Memphis, shall be as follows:

| Description of commodity                     | Size         | Maximum prices per ton of 2,000 pounds |
|----------------------------------------------|--------------|----------------------------------------|
| Sand (all grades).....                       |              | \$1.40                                 |
| Torpedo gravel.....                          | ¾ inch down  | 1.40                                   |
| Concrete gravel (sand and gravel mixed)..... |              | 2.20                                   |
| Washed and screened gravel.....              | 1½ to ¾ inch | 2.20                                   |

1 Plus 5¢ extra per ton for each ½ mile beyond city limits. Terms—2% 30 days.

SEC. 4.2 *Modification of maximum prices for silica sand produced in Tennessee.* (a) The manufacturers' maximum price for silica sand produced in the State of Tennessee shall be \$2.00 per net ton f. o. b. producers' plant.

(b) For the purposes of this section 4.2 the term "silica sand" means a fine dry quartz sand, white in color, practically free from clay-like materials and other impurities, and having a percentage of not less than 98.5 percent silica.

SEC. 4.3 *Modification of producers' maximum prices for certain crushed stone aggregates, concrete building blocks, and ready-mixed concrete produced in Southern Florida.* (a) (1) The maximum prices for certain sizes of Miami Oolite Limestone, all of which are hereinafter specifically described, when produced within a radius of 50 air-miles of the Dade County (Florida) Court House and sold for use in the building of roads, railroad roadbeds, dams, buildings, and other structures, or for use as aggregates in ready-mixed concrete, job-mixed concrete, bituminous binder mixtures, concrete building blocks, and other cast concrete products, shall be as follows:

| Grade "A" crushed stone, abrasion test required | Maximum prices f. o. b. plant | Maximum prices delivered to job site within the Miami area |
|-------------------------------------------------|-------------------------------|------------------------------------------------------------|
| Sizes 1 to 9, inclusive.....                    | \$1.90                        | \$2.70                                                     |
| Sizes 10 to 16, inclusive.....                  | 2.20                          | 3.05                                                       |
| Sizes 17 and 18.....                            | 2.60                          | 3.45                                                       |
| Grade "B" crushed stone, abrasion test required | Maximum prices f. o. b. plant | Maximum prices delivered to job site within the Miami area |
| Sizes 1 to 9, inclusive.....                    | \$1.50                        | \$2.30                                                     |
| Sizes 10 to 16, inclusive.....                  | 1.80                          | 2.65                                                       |
| Sizes 17 and 18.....                            | 2.20                          | 3.05                                                       |

| Grade "C" crushed stone, no abrasion requirement | Maximum prices f. o. b. plant | Maximum prices delivered to job site within the Miami area |
|--------------------------------------------------|-------------------------------|------------------------------------------------------------|
| Ballast (minus 2½ inches plus ¾ inch).....       | \$0.95                        | \$1.70                                                     |
| Concrete rock (minus 1½ inches plus ¾ inch)..... | 1.20                          | 2.00                                                       |
| Pea rock (minus ¾ inch plus #4).....             | 1.50                          | 2.35                                                       |
| Rice rock (or chats) (minus ¾ inch plus #4)..... | 1.90                          | 2.75                                                       |
| Rock screenings—No abrasion requirement          |                               |                                                            |
| Minus ¾ inch.....                                | 1.00                          | 1.75                                                       |
| Mason sand or screenings—No abrasion requirement |                               |                                                            |
| Minus ¾ inch.....                                | 1.00                          | 1.75                                                       |
| Lime rock—Pit run                                |                               |                                                            |
| Grade #1.....                                    | .60                           | 1.65                                                       |
| Grade #2.....                                    | .80                           | 1.55                                                       |

All of the above maximum prices are per cubic yard when sold for delivery by truck or barge, and are per net ton when sold aboard railroad cars, f. o. b. plant or nearest railroad siding.

(2) The abrasion tests and gradations of "Miami Oolite Limestone" specified in this section 4.3 refer to the Dade and Broward County "Standard Classification for Crushed Stone and Screenings" filed with the Office of Price Administration on July 29, 1944, and supplemented on November 9, 1944. This classification is as follows:

Grade "A" crushed stone:  
Abrasion test.—Maximum loss by Los Angeles Abrasion Test—35%.  
Gradation.—Sizes 1-18 inclusive as provided by Specifications for Materials for Road and Bridge Construction by the Florida State Road Department.  
Grade "B" Crushed Stone:  
Abrasion test.—Maximum loss by Los Angeles Abrasion Test—50%.  
Gradation.—Sizes 1-18 inclusive as provided by specifications for Materials for Road and Bridge Construction by the Florida State Road Department.  
Grade "C" Crushed Stone—No Abrasion Requirement.  
Ballast..... Minus 2½" Plus ¾"  
Concrete rock..... Minus 1½" Plus ¾"  
Pea rock..... Minus ¾" Plus #4  
Rice rock (or chats)..... Minus ¾" Plus #4  
Rock Screenings:  
Minus ¾ inch—No Abrasion Requirement.  
Mason Sand or Screenings:  
Minus ¾ inch—No Abrasion Requirement.  
Lime Rock—Pit Run:

Grade 1 { Specification for Materials for  
Grade 2 { Road and Bridge Construction by  
the Florida State Road Department.

(3) The following producers, namely, The Naranja Rock Company; E. Meekins; E. A. Pyncheon; Seminole Rock Products Company; Maule Industries; Kelly Rock and Sand Company; all located in Dade and Broward Counties, Florida; selling aggregates subject to this subparagraph shall file with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., within 15 days after March 31, 1945, and within 15 days after the close of each successive calendar quarter, thereafter,

the following information covering the previous quarter:

1. Net Sales in dollars broken down between:

Class "A" crushed stone.  
Class "B" crushed stone.  
Class "C" crushed stone.

2. Cubic yards or tons sold broken down between:

Class "A" crushed stone.  
Class "B" crushed stone.  
Class "C" crushed stone.

(b) Any person producing an aggregate from Miami Oolite Limestone not comparable with any of the aggregates hereinbefore specified by reason of a gradation requiring extra or special screenings, or because such aggregate is from a deposit composed of stone having especially valuable properties, or for any other reason, provided such material is produced for commercial use in construction or for use as an aggregate and cannot be produced and sold at the maximum prices herein established without hardship to the producer, shall file an application for the establishment of a maximum price for such material under section 10 of Maximum Price Regulation No. 592. Such application shall be filed with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., and shall contain a description of the special aggregate, with a detailed statement showing:

(1) A comparison between the aggregate for which a maximum price is fixed herein and the aggregate for which a price is requested, with definite information showing the claimed superior qualities.

(2) The extra production process used in producing the special aggregate and the extra cost of such process.

(3) The need of a maximum price differing from the maximum prices fixed herein.

(c) The maximum prices for certain ready-mixed concrete, as hereinafter specified, produced within a radius of 15 air-miles of the Dade County (Florida) Court House, shall be as follows:

| Bags of cement per cubic yard of ready-mixed concrete: | Maximum prices, per cubic yard, delivered to job site within the Miami area |
|--------------------------------------------------------|-----------------------------------------------------------------------------|
| 4                                                      | \$6.60                                                                      |
| 4½                                                     | 6.95                                                                        |
| 5                                                      | 7.30                                                                        |
| 5½                                                     | 7.65                                                                        |
| 6                                                      | 8.00                                                                        |
| 7                                                      | 8.70                                                                        |
| 8                                                      | 9.40                                                                        |
| 9                                                      | 10.10                                                                       |
| 10                                                     | 10.80                                                                       |

(d) The maximum prices for certain sizes of Grade "A" concrete building blocks (having a compressive strength of 1,000 pounds per square inch gross area), and Grade "B" concrete building blocks (having a compressive strength of 700 pounds per square inch gross area), all in accordance with American Society for Testing Materials Standard Specifications for Hollow Load-bearing Concrete Masonry Units C90-44, produced within a radius of 15 air-miles of the Dade County (Florida) Court House, shall be as follows:

GRADE "A"

| Size                                     | Maximum prices per block f. o. b. plant | Maximum prices per block, delivered within the Miami area |
|------------------------------------------|-----------------------------------------|-----------------------------------------------------------|
| 8 x 8 x 16                               | \$0.11                                  | \$0.13                                                    |
| 8 x 12 x 16                              | .19                                     | .215                                                      |
| 4 x 8 x 16                               | .0775                                   | .0875                                                     |
| 8 x 8 x 16 (corners and jams)            | .11                                     | .13                                                       |
| 8 x 12 x 16 (corners)                    | .19                                     | .215                                                      |
| 8 x 8 x 8 (single corners and half jams) | .0775                                   | .0875                                                     |
| 8 x 4 x 16 or 8 x 3 x 16 partition tile  | .0775                                   | .0875                                                     |

GRADE "B"

| Size                                     | Maximum prices per block f. o. b. plant | Maximum prices per block, delivered within the Miami area |
|------------------------------------------|-----------------------------------------|-----------------------------------------------------------|
| 8 x 8 x 16                               | \$0.10                                  | \$0.12                                                    |
| 8 x 12 x 16                              | .175                                    | .20                                                       |
| 4 x 8 x 16                               | .0725                                   | .0825                                                     |
| 8 x 8 x 16 (corners and jams)            | .10                                     | .12                                                       |
| 8 x 12 x 16 (corners)                    | .175                                    | .20                                                       |
| 8 x 8 x 8 (single corners and half jams) | .0725                                   | .0825                                                     |
| 8 x 4 x 16 or 8 x 3 x 16 partition tile  | .0725                                   | .0825                                                     |

[Paragraph (d) amended by Am. 2, 10 F.R. 10257, effective 8-20-45]

(e) Delivery areas for which no additional charges may be made and the conditions under which such charges may be made are to be determined according to the following methods:

(1) *Delivery within the Miami Area.* Maximum prices established by this section 4.3 for delivery "Within the Miami Area" include delivery by each producer within the area recognized by him during March 1942 as his normal delivery area or zone for the commodity to be delivered. No extra charge may be made for delivery within such area or zone. Any producer who did not have a normal delivery area or zone during March 1942, shall regard the delivery area or zone of his most comparable seller as his in-area territory covered by the term "within the Miami Area."

(2) *Delivery outside the Miami Area.* For delivery outside the Miami area, as described in subparagraph (1) above, each producer may add to the maximum prices established herein an amount not in excess of the charge in effect by him during March 1942 for each particular destination. If a producer does not have an established maximum delivery charge for delivery outside the Miami area because he was not in business during March 1942, or, if he was then in business, because he did not deliver outside the Miami area, or for any other reason, he must file a schedule of proposed delivery charges to be added to the maximum prices established by this section 4.3 with the Miami District Office of the Office of Price Administration. Such charges shall not exceed the charges established for other manufacturers for the same or similar service and shall be subject to approval or disapproval within 20 days of the date of filing.

The District Director of the Miami District Office may approve, disapprove

or revise the requested charges. In the absence of disapproval within the 20-day period, the reported delivery charges, if properly filed, shall be deemed to have been approved by that Office.

[Subparagraph (2) amended by Am. 22, 10 F.R. 15277, effective 12-21-45]

(f) *Discounts and other price differentials and services.* All cash, quantity, and other price differentials and services at least as great as those extended by each seller during March 1942 must be continued.

SEC. 4.4 *Modification of maximum prices of ready-mixed concrete.* The manufacturer's maximum prices established pursuant to Maximum Price Regulation 592, for ready-mixed concrete, may be increased by adding to the established maximum prices per cubic yard for each specification of that commodity an amount not to exceed the actual dollars-and-cents additional cost, rounded off to the nearest \$0.05 per cubic yard, resulting from the price increases for sales of cement permitted by Amendments Nos. 6, 9, 10, 11, 12 and 13 to Maximum Price Regulation No. 224.\* The term "manufacturer" as used here means any person who makes the first sale of ready-mixed concrete.

[Sec. 4. amended by Am. 13, 10 F.R. 13345, effective 10-30-45; Am. 15, 10 F.R. 14110, effective 11-14-45; and Am. 21, 10 F.R. 15058, effective 12-18-45]

#### ARTICLE V—MODIFICATION OF MAXIMUM PRICES FOR REFRACTORY PRODUCTS

SEC. 5.1 *Maximum prices for manufacturers—(a) Maximum prices for manufacturers in the Eastern part of the United States.* (1) The manufacturers' f. o. b. plant or delivered maximum prices established pursuant to Maximum Price Regulation No. 592, for all qualities, sizes and shapes of fire clay and silica brick, including also ladle brick, sleeves and nozzles, runner brick and hot tops, super-clay and high alumina, ground fire clay, silica cement, and other low temperature mortars, produced in the State of Missouri and in the United States east of the Mississippi River may be increased by 6 percent. This 6 percent increase does not apply to sales of glass house brick, insulating fire brick, high temperature bonding mortars, plastic fire-brick and castables.

[Subparagraph (1) corrected, 11 F.R. 921, effective 1-24-46]

(2) Manufacturers of the commodities described in subparagraph (1) above, may round off to the nearest \$0.05 the adjusted maximum prices resulting from the increase as permitted in subparagraph (1) above.

(b) *Maximum prices for manufacturers in Colorado and Utah.* The manufacturers' maximum f. o. b. plant or delivered prices established pursuant to Maximum Price Regulation No. 592 for refractory products produced in the States of Colorado and Utah may be increased by 7.5 percent.

(c) (1) *Maximum prices for manufacturers in the Counties of Los Angeles*

\* 7 F.R. 7396, 8650, 8944, 9495; 8 F.R. 8275; 9 F.R. 287, 540, 4089, 10424, 11396; 10 F.R. 159, 1648, 11247, 13717, 14818.

and Riverside, California. The manufacturers' maximum f. o. b. plant prices established pursuant to Maximum Price Regulation No. 592 for refractory products produced in the Counties of Los Angeles and Riverside, California, may be increased by 8.6 percent.

[Above paragraph designated (1) and (2) added by Am. 14, 10 F.R. 13345, effective 10-30-45]

(2) Manufacturers of refractory products may round off to the nearest \$0.05 the adjusted maximum prices resulting from the increase as permitted in subparagraph (1) above.

[Paragraph (c) added by Am. 6, 10 F.R. 11376, effective 9-10-45]

SEC. 5.2 *Maximum prices for resellers.* (a) Any reseller purchasing any refractory product for resale from any manufacturer who has modified his maximum prices in accordance with section 5.1 above, may increase his maximum prices by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted the manufacturer in section 5.1 above.

(b) Notwithstanding the provisions of paragraph (a) above, a reseller's maximum price for sales to a particular class of purchaser shall be the same as the manufacturer's maximum price for direct shipments from the manufacturer's plant to that class of purchaser, where:

(1) The sale is made by the reseller and shipment to the customer is made direct from the manufacturer's plant; and

(2) The manufacturer and the reseller customarily sold or if they did not sell they would have sold to purchasers of the same class in the same marketing area at the same price.

SEC. 5.3 *Discounts and allowances.* The maximum prices granted herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

SEC. 5.4 *Formula for establishment of maximum prices for special refractory shapes.* (a) A manufacturer's maximum prices for special refractory shapes shall be determined in accordance with the pricing formula or formulae used by said manufacturer in March 1942 to determine the prices at that time of such special refractory shapes. The values given to the factors used in said formulae shall be no higher than the highest values given to the same factory in the determination of March 1942 prices under said formulae and the method used in computing said factors shall be the method used in March 1942.

(b) For the purposes of this section 5.4 the term "special refractory shapes" means refractory brick and specialties produced from highly refractory materials such as silicon carbide, fused aluminum oxide, electric furnace mullite and kyanite. They include heavy refractories consisting of bricks, plates, fabri-

cated muffles, heavy tubes, batts, saggars, burner blocks and miscellaneous shapes for furnaces. Light refractories or laboratory ware consisting of tubes, cores, small muffles, pyrometer tubes, thermocouple tubes, small furnace parts and specials, thimbles, cones, filter and ignition crucibles, capsules, dishes and other purely laboratory articles; also porous mediums, plates, tubes and shapes, are included in the definition of special refractory shapes.

Special refractory shapes are so classified whenever they are made to the specifications of each individual order and are of sizes which are not considered standard by the "Special Refractories Institute" and are unable to be included in the manufacturer's published price lists.

(c) On or before the first time he determines a maximum price under this section 5.4, every manufacturer of special refractory shapes shall file with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., unless previously submitted:

(1) A detailed explanation of the formula or formulae by which it priced its special shapes during March 1942.

(2) Calculations setting forth in detail the use of such formulae in determining prices charged for different types of special refractory shapes actually delivered by it during March 1942, or, if no such deliveries were made during that month, the application of such formulae to the prices that would have been charged had the delivery of such products made subsequently to March 1942 actually been delivered during March 1942 as a result of sales made during that month.

(3) The gross sales value realized from, and the percentage of total sales of special refractory shapes during the fourth calendar quarter of 1942.

SEC. 5.5 *Formula for establishment of maximum prices for fireclay, super-duty fireclay, high alumina, silica, or insulating refractory brick.* (a) A manufacturer's maximum piece price for any fireclay, super-duty fireclay, high alumina, silica, or insulating refractory brick produced by him and for which he has no established maximum price shall be determined in accordance with the following formula:

The producer's maximum price for each such brick shall be a net price (after adjustment for all applicable differentials, discounts or other allowances) not in excess of that at which he would have sold such a brick during March 1942 under the pricing formula or method of calculating price used by him in March 1942, employing the same cost factors (labor, cost of materials and overhead) and margins which were in effect for him in March 1942, even though his costs or margin may have increased since that date.

(b) For the purposes of this section 5.5 the term "brick" means a manufactured refractory object, of any size or shape, and includes standard sizes, standard 9-inch straights and series, special shapes, rectangular tile, and modified shapes. It applies to all fireclay refractories, including brick in-

tended for super-duty service, as well as for high, intermediate, moderate, and low-heat duty service, high alumina, silica, and insulating refractories.

(c) Every producer of fireclay, super-duty fireclay, high alumina, silica, or refractory insulating brick shall keep on file at his principal office at all times for inspection by the Office of Price Administration:

(1) A detailed explanation of the formula or method of calculation by which he priced the brick covered by this section 5.5.

(2) Calculations setting forth in detail the use of such formula in determining prices charged for different brick actually delivered during March 1942, and calculations setting forth in detail the computation of maximum prices for all sales of brick covered by this section 5.5 made subsequent to the effective date of this order. For the purpose of this section 5.5, no recomputation of a previously calculated maximum price for any brick covered herein is required.

SEC. 5.6 *Modification of maximum prices for crude refractory flint clay.* (a) The maximum price for the sale and delivery of crude refractory flint clay produced in Carter and Greenup Counties, Kentucky, and not more than 35 miles away from the town of Taylor, Kentucky, shall be \$2.75 per net ton, delivered to purchasers in the town of Taylor, Kentucky.

(b) For the purposes of this section 5.6 the term "crude refractory flint clay" means a crude refractory flint clay which is a hard or flint-like fire clay with a very low plasticity usually breaking with a smooth shell-like fracture.

SEC. 5.7 *Modification of maximum prices for calcined flint fire clay.* (a) The maximum price for the sale and delivery of calcined flint fire clay produced in the State of Colorado shall be \$7.35 per net ton f. o. b., producer's plant.

(b) For the purposes of this section 5.7 the term "calcined flint fire clay" means a flint fire clay which has been heat-treated to a temperature from 1500° to 2200° Fahrenheit.

#### ARTICLE VI—MODIFICATION OF MAXIMUM PRICES ON SALES BETWEEN MANUFACTURERS

SEC. 6.1 *Maximum prices for manufacturers.* Any manufacturer of any of the products listed in section 6.2 below may, subject to the filing provisions of paragraph (d) below, offer to sell, sell, and deliver any such products to any other manufacturer at a price agreed upon by the selling and buying manufacturers, when the price so agreed upon is in excess of the maximum price for the seller under Maximum Price Regulation No. 592, under the following conditions:

(a) Both the seller and the buyer must be manufacturers, as the term is defined in Maximum Price Regulation No. 592, of any product covered by the regulation;

(b) The buying manufacturer need not be a manufacturer of the particular commodity covered by this order but must purchase it from the selling manufacturer for resale in the same form, under his own name or trade brand, to

the same trade classifications through which original producers usually distribute such commodities; and

(c) Any increase in price resulting from the agreement under this section 6.1 must be absorbed by the buying manufacturer and may not be reflected, directly or indirectly, in the resale price nor may such increase be used as a basis for a request for an increase in price by way of an application for adjustment or petition for amendment.

(d) Before any sale or delivery may be made upon the basis of the price arrived at pursuant to this section 6.1, the buying manufacturer must submit a statement to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., showing:

(1) The specific products involved in the sale;

(2) The names of the selling and buying manufacturers;

(3) A specific statement from the buyer that the increase in price will not be passed on in the resale of the commodity and that such increase resulting from the agreement will not be made the basis for an application for adjustment or petition for amendment.

SEC. 6.2 *The following commodities shall be subject to the provisions of section 6.1.* (a) Fiber Insulation Board Products, meaning insulation board and roof insulation, conforming to the specifications and standards set forth in "Commercial Standard CS42-43, Structural Fiber Insulating Board," issued by the Department of Commerce, July 24, 1943, and effective August 25, 1943.

(b) Gypsum and lime products.

(c) Insulated brick or stone siding.

#### ARTICLE VII—MODIFICATION OF MAXIMUM PRICES FOR MISCELLANEOUS COMMODITIES

SEC. 7.1 *Modification of maximum prices for slate burial vaults.* (a) Manufacturers' maximum prices for slate burial vaults produced in the counties of Lehigh, Northampton and York, in the State of Pennsylvania, established pursuant to Maximum Price Regulation No. 592, may be modified by adding an amount not in an excess of 7 cents per square foot.

(b) Discounts and other price differentials and other terms and conditions of sale shall be at least as favorable to purchasers as were in effect by each manufacturer to his several classes of purchasers during March 1942.

(c) On and after the 18th day of September 1943, any person who purchases slate burial vaults, for resale, from any manufacturer who has modified his maximum price in accordance with this order, may increase his presently established maximum price by an amount equal to his actual dollar increase in cost resulting from the increase permitted in (a) above, not to exceed 7 cents per square foot.

SEC. 7.2 *Authorization of maximum prices for crude talc produced in Esmeralda County, Nevada.* (a) The manufacturer's maximum prices for specified grades of crude talc produced in Esmeralda County, Nevada, shall be as follows:

| Grades                                                                              | Maximum net selling price, per ton, f. o. b. Zurich, California |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| #1—Selected Cosmetic Talc <sup>1</sup>                                              | \$15.25                                                         |
| Maximum CaO                                                                         | 2%                                                              |
| Maximum Fe <sub>2</sub> O <sub>3</sub>                                              | 1½%                                                             |
| Maximum Al <sub>2</sub> O <sub>3</sub>                                              | 6%                                                              |
| #2—Mine-run White Talc <sup>2</sup>                                                 | 13.00                                                           |
| Maximum CaO                                                                         | 4%                                                              |
| Maximum Fe <sub>2</sub> O <sub>3</sub>                                              | 2%                                                              |
| Maximum Al <sub>2</sub> O <sub>3</sub>                                              | 6%                                                              |
| #3—Mine-run Talc (Blue or Blue & White Mix) <sup>3</sup>                            | 10.25                                                           |
| Combined lime (CaO) and alumina (Al <sub>2</sub> O <sub>3</sub> ) content less than | 11%                                                             |
| #4—Talc Filler (Blue Talc) <sup>4</sup>                                             | 8.00                                                            |
| #5—Select Screened or Lump Talc                                                     | 17.50                                                           |
| Maximum 10% fines <sup>5</sup> free of gang or gouge material in the fines.         |                                                                 |
| Maximum CaO                                                                         | 1%                                                              |
| Maximum Fe <sub>2</sub> O <sub>3</sub>                                              | 1%                                                              |
| Maximum Al <sub>2</sub> O <sub>3</sub>                                              | 4%                                                              |
| Maximum acid soluble ingredients                                                    |                                                                 |
| 8 milligrams                                                                        |                                                                 |
| Maximum water soluble ingredients                                                   |                                                                 |
| 4 milligrams                                                                        |                                                                 |

<sup>1</sup> No blue talc or yellow stains, free from lime lumps.

<sup>2</sup> Maximum blue talc or yellow stains 25%.

<sup>3</sup> Blue talc or yellow stains in excess of 25%.

<sup>4</sup> Combined lime (CaO) and alumina (Al<sub>2</sub>O<sub>3</sub>) content in excess of 11%.

<sup>5</sup> Originating from the talc lump itself when screened or sorted.

(b) The maximum price for any of the above grades of talc, f. o. b. mine, shall be the maximum price for that grade, f. o. b. Zurich, California, less the established ICC freight, and transportation tax, from Zurich to the particular mine.

(c) The maximum prices granted herein shall be subject to cash, quantity, and other discounts, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

SEC. 7.3 *Modification of maximum prices for pyrophyllite.* (a) The manufacturers' maximum prices for pyrophyllite established pursuant to Maximum Price Regulation No. 592 may be increased by adding an amount not in excess of \$0.40 per net ton to the f. o. b. factory prices.

(b) Any reseller purchasing pyrophyllite for resale from any manufacturer who has modified his maximum prices in accordance with paragraph (a) above, may increase his maximum prices, by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted the manufacturer in paragraph (a) above.

SEC. 7.4 *Modification of maximum prices for asphalt and/or tar base roof coatings and cements in containers.* (a) *Explanation.* The purpose of the new method of pricing provided by this section 7.4 is to permit a manufacturer who is now packing asphalt and/or tar base roof coatings and cements in containers which have increased in cost to adjust his maximum prices and add the exact amount of the increase in the cost of the containers and in receiving delivery of them. The method permits him to account for differences in container costs

without permitting him to increase the price per unit of the asphalt and/or tar base roof coatings and cement packed in the container. The method is formulated for low-price sellers of these products who are unable to sell them at their established maximum prices because of the increased cost of the containers. Paragraph (i) specifies the maximum prices in excess of which no manufacturer may sell asphalt or tar base roof coatings and cements if he adjusts his established maximum prices in accordance with this section. Any manufacturer whose established maximum prices for these commodities are higher than the prices itemized in paragraph (i) may continue to sell at his established maximum prices without any adjustment.

(b) *Pricing method.* To figure the adjusted maximum price to any class of purchasers for the commodity in containers, the manufacturer shall:

(1) *Determine the base container cost.* The manufacturer shall take as the "base container cost" his average direct cost of each type or size of container during March 1942. "Direct cost" means the net cost, at the manufacturer's plant, of the container and closure, but it does not include costs of filling, closing, labeling, or packing. If a manufacturer is unable to compute his base container cost because of lack of purchases during March 1942, he shall determine his base container cost by any purchase during the period December 1941 through February 1942, or if no purchases were made during this period, by the offering price during that period by the manufacturer's usual source of supply.

(2) *Determine the current container cost.* The manufacturer shall take as the "current container cost" his average direct cost of each type or size of container for any quarterly period subsequent to January 1, 1943. "Direct cost" means the net cost, at the manufacturer's plant, of the container and closure, but it does not include cost of filling, closing, labeling, or packing.

(3) *Determine the increased container cost.* Taking his "current container cost" the manufacturer shall then subtract the "base container cost." The difference, if any, represents the "increased container cost."

(4) *Determine the adjusted maximum price.* The manufacturer shall next add the "increased container cost" to his established maximum price. If the result is less than the prices itemized in paragraph (i), such result shall be the adjusted maximum price. If the result is the same as or higher than the prices itemized in paragraph (i), the prices in paragraph (i) shall be his adjusted maximum prices. No manufacturer may sell in excess of the sum of his "increased container cost" plus his established maximum prices, even if such total does not equal the prices contained in paragraph (i).

(5) *Changes in current container cost.* Each manufacturer must determine his "current container cost" upon a quarterly basis. If the manufacturer has determined his "current container cost" in accordance with paragraph (b) (2), he may, if the redetermination of "current

container cost" reflects an increase over his previous "current container cost", readjust his maximum prices for the ensuing quarterly period to include such increases provided such readjusted maximum prices do not exceed the prices contained in paragraph (i). If the determination reflects a decrease of his "increased container cost", the manufacturer must readjust his maximum prices and reduce his adjusted maximum prices by the amount of the decrease for the ensuing quarterly period.

(c) *Commodity and geographical coverage.* This section 7.4 applies to all sales of asphalt or tar base roof coatings and cements in containers in the forty-eight states of the United States and the District of Columbia. The only commodities covered by the section are plastic cement, asbestos roof coating and roof coating without asbestos fiber.

(d) *Container deposits.* If the container used by any manufacturer is one which is capable of reuse, and if the manufacturer made a deposit charge for containers during March 1942, he shall not be permitted to adjust his maximum prices. If any manufacturer made no deposit charge during March 1942, and now desires to do so, he must reduce his established maximum price of his product by an amount equal to  $\frac{1}{3}$  of his "base container cost". If a manufacturer adjusts his established maximum prices to recover his "increased container cost" and desires to charge a container deposit, he must reduce his adjusted maximum price in the amount of his "increased container cost" plus  $\frac{1}{3}$  of the "base container cost".

(e) *Wholesalers, jobbers and retailers.* This section 7.4 permits adjustments by manufacturers. Other levels of distribution are permitted to adjust their maximum prices to the same extent as the manufacturer. Any purchaser who buys asphalt or tar base roof coatings and cement in containers for the purpose of resale, may increase his established maximum price by the exact amount which he is required to pay his supplier in excess of the maximum price previously charged by the said supplier. It is the purpose of this paragraph to permit wholesalers, jobbers and retailers to increase their maximum prices by the exact amount of the "increased container cost", provided such "increased container cost" is paid by them to their supplier.

(f) *Mode of pricing.* The amount of the increase may be reflected in the mode of pricing which each seller used during the month of March 1942.

(g) *Notification to purchasers by manufacturers.* All manufacturers selling asphalt or tar base roof coatings and cements in containers under the authority of this section shall send the following notice to every purchaser thereof at the time of the first sale:

We have increased our established maximum price for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_. The difference represents our increased container cost. This increase is permitted by section 7.4 of Order No. 1 under section 25 of Maximum Price Regulation No. 592, issued by the Office of Price Administration.

You may increase your established maximum price to the same extent, namely \_\_\_\_\_. Our increase and adjusted maximum price

does not exceed the amount permitted by the order of the Office of Price Administration.

If our container cost decreases, you will be notified and must reduce your established maximum price accordingly on these commodities you purchase from us at the reduced prices.

(h) *Records and reports—(1) Records.* Manufacturers shall keep records showing how they compute their adjusted or readjusted maximum prices.

(2) *Reports.* Within 20 days after any adjustment or readjustment of maximum prices under this subparagraph, each manufacturer shall submit a report to the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., showing:

(i) The "base container cost";  
(ii) The "current container cost", including a description of the current containers, quantity purchased, and the name and address of the supplier or suppliers;

(iii) The adjusted or readjusted maximum price and the method by which such price was established;

(iv) Whether, in the case of a readjustment which results in a decrease, the manufacturer has notified his purchasers of the decreased prices applying on sales for the ensuing quarterly period, and the amount of the decrease.

(i) *Adjusted maximum prices.* The following table of prices are those prices in excess of which no manufacturer may sell or deliver his products after he had adjusted his established maximum prices.

|                                                                              | Freight equalized with competitive shipping points |       | F. o. b. shipping point. (No freight equalization) |       |
|------------------------------------------------------------------------------|----------------------------------------------------|-------|----------------------------------------------------|-------|
|                                                                              | LCL                                                | CL    | LCL                                                | CL    |
| <i>Plastic cement (prices in pounds)</i>                                     |                                                    |       |                                                    |       |
| Barrel (approximately 500 to 600 pounds) containers.....                     | 0.027                                              | 0.024 | 0.025                                              | 0.022 |
| $\frac{1}{4}$ barrel (approximately 300 pounds) up to barrel containers..... | .029                                               | .026  | .027                                               | .024  |
| 100 pounds up to $\frac{1}{4}$ barrel containers.....                        | .035                                               | .032  | .033                                               | .030  |
| 50 pounds up to 100 pounds containers.....                                   | .038                                               | .035  | .036                                               | .033  |
| 25 pounds up to 50 pounds containers.....                                    | .043                                               | .04   | .041                                               | .038  |
| 10 pounds up to 25 pounds containers.....                                    | .049                                               | .045  | .047                                               | .043  |
| 5 pounds up to 10 pounds containers.....                                     | .057                                               | .052  | .055                                               | .050  |
| 1 pound up to 5 pounds containers.....                                       | .077                                               | .07   | .075                                               | .068  |
| <i>Asbestos roof coating (prices per gallon)</i>                             |                                                    |       |                                                    |       |
| Barrel (approximately 50 to 60 gallons) containers.....                      | .263                                               | .235  | .243                                               | .215  |
| $\frac{1}{4}$ barrel (approximately 30 gal.) up to barrel containers.....    | .268                                               | .262  | .268                                               | .242  |
| 5 gal. up to $\frac{1}{4}$ barrel containers.....                            | .322                                               | .289  | .302                                               | .269  |
| 1 gallon up to 5 gallon containers.....                                      | .394                                               | .356  | .374                                               | .336  |
| <i>Roof coating without asbestos fiber (prices per gallon)</i>               |                                                    |       |                                                    |       |
| Barrel (approximately 50 to 60 gal.) containers.....                         | .246                                               | .226  | .226                                               | .206  |
| $\frac{1}{4}$ barrel (approximately 30 gal.) up to barrel containers.....    | .28                                                | .253  | .26                                                | .233  |
| 5 gallon up to $\frac{1}{4}$ barrel containers.....                          | .314                                               | .28   | .294                                               | .260  |
| 1 gallon up to 5 gallon containers.....                                      | .382                                               | .349  | .362                                               | .329  |

NOTE: The term "up to" does not mean inclusive of the next listed number following the word "to." For example, 1 gallon up to 5 gallon containers, does not include 5 gallon containers.

SEC. 7.5 *Modification of maximum prices for gypsum wall board, lath and sheathing—(a) Manufacturers' sales.* Manufacturers' sales of gypsum wall board, lath and sheathing or laminated gypsum board products may be made at prices not exceeding their maximum domestic prices f. o. b. mill as established for them under Maximum Price Regulation No. 592 plus freight to port of exit when the following conditions have been met:

(1) Shipment is made from a mill located within the States of Indiana, Iowa, Michigan, Ohio, New York, Massachusetts, Pennsylvania and Virginia.

(2) The sale must be made to the government of the United States or any agency thereof or to the government or any agency thereof of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(3) The gypsum wall board, lath or sheathing or laminated gypsum board products must be destined for export sale to be shipped from a port on the eastern U. S. Coast.

(b) *Reports.* Every manufacturer making sales subject to this section 7.5 shall submit on or before the 15th day of each month after February 15, 1945, to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a monthly report showing the following for each such sale:

Purchasing agency.

Point of origin of shipment and port of exit.

Kind, quantity, and thickness sold.

Destination of shipment if known.

SEC. 7.7 *Modification of maximum prices for rough quarry limestone blocks.*

(a) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for rough quarry limestone blocks produced in the United States, shall be their present maximum f. o. b. plant prices increased by  $\frac{6}{12}$  percent.

(b) Any finishing cut stone mill purchasing rough quarry limestone blocks for processing into finished dimension limestone from any producer who has modified his maximum prices in accordance with paragraph (a) above, may increase his maximum prices, established under Maximum Price Regulation No. 592 by dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted in paragraph (a) above.

(c) The maximum prices established herein shall be subject to cash, quantity and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

SEC. 7.7 *Modification of maximum prices for clay glass melting pots and rings.* (a) The manufacturers' maxi-

mum f. o. b. plant or delivered prices established pursuant to Maximum Price Regulation No. 592, for clay glass melting pots and rings produced in the United States of America may be increased by 5.3 percent.

(b) The maximum prices granted herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

**SEC. 7.8 Modification of maximum prices for sales of gypsum lath and liner board produced in the United States excluding the States of California and Nevada.** (a) The manufacturers' maximum f. o. b. mill prices established pursuant to Maximum Price Regulation No. 592 for gypsum lath and gypsum liner board produced in a mill located in the following geographical areas may be increased by adding an amount not in excess of the following:

1. For producing mills located on the Eastern Seaboard—\$4.25 per M sq. ft.
2. For producing mills located in the United States excluding the Eastern Seaboard and excluding the States of California and Nevada—\$3.00 per M sq. ft.

(b) The term "Eastern Seaboard" as used in this section means the area in and immediately surrounding the cities of Portsmouth, New Hampshire; Boston, Massachusetts; New York, New York; Newark, New Jersey; Philadelphia, Pennsylvania; Savannah, Georgia; and Jacksonville, Florida.

(c) The manufacturers' maximum delivered prices established pursuant to Maximum Price Regulation No. 592 for gypsum lath and gypsum liner board for shipment into a flat delivered price zone may be increased by the amount set forth in (a) above for the producing mill nearest that flat delivered price zone.

(d) The maximum prices established herein shall be subject to quantity, cash, and other discounts, transportation allowances, freight equalizations, services, and other terms and conditions of sale at least as favorable as the manufacturer extended or rendered on comparable sales to purchasers of the same class during March 1942.

(e) Any reseller purchasing gypsum lath or gypsum liner board for resale in the same form from any manufacturer who has adjusted his maximum prices in accordance with (a) or (c) above, may increase his maximum prices established under the General Maximum Price Regulation, by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted in (a) and (c) above.

(f) Any manufacturer who adjusts his maximum prices for sales of gypsum lath or liner board in accordance with (a) or (c) above, shall furnish to each buyer purchasing these products for resale in the same form, on or before the date he makes the first delivery at the adjusted price, a written statement as follows:

Effective November 16 the Office of Price Administration has permitted us an increase

of \$----- per M sq. ft. over our March 1942 prices for gypsum lath and liner board.

You are permitted to add \$----- per M sq. ft. to your existing maximum prices under the General Maximum Price Regulation for these products.

[Sec. 7.8 amended by Am. 3, 10 F.R. 10324, effective 8-21-45 and Am. 17, 10 F.R. 14284, effective 11-16-45]

**SEC. 7.9 Modification of maximum prices for gypsum lath manufactured in the States of California and Nevada.**

(a) The manufacturers' maximum prices established pursuant to Maximum Price Regulation 592, for gypsum lath manufactured in the States of California and Nevada, may be increased by adding an amount not in excess of \$0.02½ per square yard to the f. o. b. plant or delivered prices.

(b) Any reseller purchasing gypsum lath for resale in the same form from any manufacturer who has modified his maximum prices in accordance with (a) above, may increase his maximum prices by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the modification permitted manufacturers in (a) above.

(c) The maximum prices established herein shall be subject to size differentials, cash, quantity and other discounts, services and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(d) [Revoked]

[Paragraph (d) revoked by Am. 4, effective 3-21-46]

[Sec. 7.9, formerly Sec. 7.10, added by Am. 4, 10 F.R. 10374, effective 8-21-45; redesignated by Am. 17, 10 F.R. 14284, effective 11-16-45. Former Sec. 7.9 amended by Am. 4 and revoked by Am. 17]

**SEC. 7.10 Modification of maximum prices for sales of calcined gypsum plaster "bag goods," including Keene's cement, white goods and Terra Alba combinations, produced in the United States excluding the States of California and Nevada.** (a) The manufacturers' maximum f. o. b. mill prices to dealers for calcined gypsum neet plaster "bag goods" commonly sold in 80# and 100# sizes, including the several sizes of barrels containing 150# or more per barrel, but not including small package goods such as patching or painter's plaster or combinations thereof and not including land plaster, produced in a mill located in the following geographical areas, shall be:

1. For mills located in and immediately around Savannah, Georgia, and Jacksonville, Florida—\$13.40 per ton, in 100# paper bags.
2. For mills located in the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania and Maryland—\$11.40 per ton, in 100# paper bags.
3. For all other mills located in the United States excluding those located in the States of California and Nevada, and excluding those covered in (1) and (2) above—\$11.00 per ton, in 100# paper bags.

(b) If the manufacturer had an established differential in price during the month of March 1942 between sales to dealers and sales to other classes of purchasers or between calcined gypsum neet plaster and other gypsum "bag goods," (but not including small package goods

such as patching or painter's plaster or combinations thereof), commonly sold in 80# and 100# sizes, including the several sizes of barrels containing 150# or more per barrel, he may adjust his maximum prices for these other types of sales and other gypsum "bag goods" to maintain the same March 1942 dollars-and-cents price differentials between the price established for gypsum neet plaster pursuant to paragraph (a) above and such other types of sales and other gypsum "bag goods."

(c) If the manufacturer produces white or other plaster "bag goods" commonly sold in 80# and 100# sizes, including the several sizes of barrels containing 150# or more per barrel, and does not manufacture calcined gypsum neet plaster, he may adjust his maximum prices for such white and other plaster "bag goods" to reflect the increases granted in (a) above, on the basis of what his increase would have been had he produced and sold neet plaster at the general level of prices in the area in which the particular plant is located.

[Paragraph (c) amended by Am. 25, 11 F.R. 474, effective 1-12-46]

(d) The manufacturer's maximum delivered prices established pursuant to Maximum Price Regulation No. 592 for the products covered by this section, for shipment into a flat delivered price zone, may be increased by the actual dollars-and-cents increase in the f. o. b. mill price resulting from the price established by this section, for the producing mill nearest the flat delivered price zone.

(e) The maximum prices established herein shall be subject to quantity, cash, and other discounts, transportation allowances, freight equalizations, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(f) Any reseller purchasing calcined gypsum plaster for resale in the same form from any manufacturer who has adjusted his maximum prices in accordance with (a), (b), (c) or (d) above, may increase his maximum prices established under the General Maximum Price Regulation, by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted in (a), (b), (c) and (d) above.

(g) Any manufacturer who adjusts his maximum prices for sales of calcined gypsum plaster "bag goods" in accordance with the provisions of this section, shall furnish to each buyer purchasing these products for resale in the same form, on or before the date he makes the first delivery at the adjusted prices, a written statement as follows:

Effective November 16, 1945 the Office of Price Administration has permitted us an increase of \$----- per ton over our March 1942 prices for calcined gypsum plaster "bag goods" commonly sold in 80# and 100# sizes, including the several sizes of barrels containing 150# or more per barrel.

You are permitted to add \$----- per ton to your existing maximum prices under the General Maximum Price Regulation for this product.

[Sec. 7.10, formerly Sec. 7.11, added by Am. 7, 10 F.R. 11686, effective 9-14-45; amended and redesignated by Am. 17, 10 F.R. 14284, effective 11-16-45]

SEC. 7.11 *Modification of maximum prices for window and picture glass—*

| Unit—Single and thinner | United inches | Single and thinner |       |       | Unit—Double       | Double |        |       |
|-------------------------|---------------|--------------------|-------|-------|-------------------|--------|--------|-------|
|                         |               | AA                 | A     | B     |                   | AA     | A      | B     |
| 50-foot box.....        | 40            | 28.00              | 23.00 | 22.00 | 50-foot box.....  | 39.00  | 34.00  | 31.00 |
|                         | 50            | 28.25              | 24.00 | 22.25 |                   | 42.00  | 37.00  | 34.50 |
|                         | 60            | 30.25              | 26.25 | 23.50 |                   | 44.00  | 39.00  | 35.50 |
|                         | 70            | 32.25              | 29.00 | 25.50 |                   | 47.00  | 42.00  | 38.00 |
|                         | 80            | 36.75              | 33.50 | 29.00 |                   | 51.00  | 46.00  | 41.50 |
|                         | 90            | 41.75              | 38.00 | 34.00 |                   | 55.00  | 50.00  | 46.00 |
|                         | 100           | 50.25              | 46.00 | 41.00 |                   | 55.00  | 50.00  | 46.00 |
|                         | 105           | 53.25              | 49.50 | 43.75 | 100-foot box..... | 110.00 | 100.00 | 92.00 |
|                         | 110           |                    | 53.25 | 47.35 |                   | 110.00 | 100.00 | 92.00 |
|                         | 115           |                    |       | 50.75 |                   | 110.00 | 100.00 | 92.00 |
|                         | 120           |                    |       |       |                   | 110.00 | 100.00 | 92.00 |

An additional 10% may be charged for all glass more than 40 inches wide. Sizes other than those listed may be charged for on the basis of the prices listed for the next higher size. Fractional sizes may be charged for as full inches. For each five inch bracket size above 120 united inches \$20.00 may be added.

[Paragraph heading and above note amended by Am. 27, 11 F.R. 571, effective 1-16-46]

(2) Notwithstanding the provisions of (1) above, the manufacturer's maximum list prices for shipments from his separately established warehouses shall not be in excess of the maximum list prices established for resellers pursuant to section 7.11 (b) below.

[Subparagraph (2) added by Am. 28, 11 F.R. 1140, effective 2-4-46]

(b) *Maximum prices for resellers.* (1) The maximum prices for sales by resellers of window and picture glass shall be their maximum prices established under the General Maximum Price Regulation.

(2) Notwithstanding the provisions of (1) above, any reseller purchasing window and picture glass for resale from any manufacturer who has adjusted his maximum prices in accordance with (a) above, may adjust his maximum reseller prices established under the General Maximum Price Regulation for the 25", 34", 54", 84" and 94" bracket sizes, by applying to each of these sizes his existing maximum price for the remaining respective next higher bracket size immediately following each of the foregoing bracket sizes.

(3) Notwithstanding the provisions of (1) and (2) above, resellers' maximum list prices for direct carload shipments from the manufacturer's plant shall be the same as the manufacturer's maximum list prices for carload shipments.

[Subparagraph (3) added by Am. 28, 11 F.R. 1140, effective 2-4-46]

[Paragraph (b) added, former (b) redesignated (c), by Am. 27, 11 F.R. 571, effective 1-16-46]

(c) *Discounts.* The maximum list prices established under (a) shall be subject to all discounts, allowances, including transportation allowances, services and other terms and other conditions of sale at least as favorable as the manufacturer extended or rendered or would have extended or rendered on compara-

(a) *Maximum prices for manufacturers.*

(1) The maximum list prices for sales by manufacturers of window and picture glass shall be as follows:

[Above paragraph designated subparagraph (1) by Am. 28]

ble sales to purchasers of the same class during March 1942.

[Sec. 7.11 added by Am. 18, 10 F.R. 14721, effective 12-7-45; amended as otherwise noted]

SEC. 7.12 *Modification of maximum prices for electrical fibre conduit and fibre pipe.* (a) The manufacturer's maximum net price for electrical fibre conduit or fibre pipe established pursuant to Maximum Price Regulation 592 to each class of purchaser may be increased by 11.5 per cent.

(b) Any reseller purchasing electrical fibre conduit or fibre pipe for resale in the same form, may increase his maximum price as established under the General Maximum Price Regulation, by an amount not in excess of his actual dollars-and-cents increase in cost resulting from the increase permitted the manufacturer in (a) above.

(c) The maximum prices established under this section shall be subject to quantity, cash and other discounts, transportation allowances, services and other terms and conditions of sales at least as favorable as the seller extended or rendered or would have extended or rendered on comparable sales to purchasers of the same class during March 1942.

[Sec. 7.12 added by Am. 16, 10 F.R. 14332, effective 11-21-45]

SEC. 7.13 *Modification of maximum prices for certain deliveries outside a plant's normal market area—(a) Applicability of this section.* This section applies to a manufacturer of a product listed in (b) below, only where all of the following criteria are met:

(1) Shipment of the product is being made from a plant to a destination outside the normal marketing area of that plant. As used in this section "normal marketing area" for a plant means the area in which the product was regularly offered for shipment from that plant during the year 1944.

(2) Shipment is being made to an industrial user and not to a purchaser for resale in substantially the same form.

(3) It appears that for reasons beyond the manufacturer's control the product is not available to the purchaser from his normal source of supply.

(4) The manufacturer files the report required by paragraph (d), below.

(b) *Products covered by this section.*

(1) Crude gypsum sold for cement retarder use.

(c) *Maximum prices.* The maximum price for an out-of-area shipment by a manufacturer who is eligible for treatment under this section shall be a price not in excess of the maximum f. o. b. plant price established under Maximum Price Regulation 592 plus actual freight to the point of destination outside the normal marketing area.

For those plants which sell on a delivered price basis or on a freight equalized or allowed basis, the f. o. b. plant price shall be the average realized price for the product at the plant during the calendar year 1944, computed by dividing sales in dollars after deduction of freight paid or allowed but prior to the deduction of other customary sales discounts or allowances, by the number of physical units sold.

(d) *Reports and approvals of maximum prices.* Before offering for sale or delivery for the first time a commodity at a maximum price determined under this section, the manufacturer must file a report with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., setting forth the following:

(1) The commodity which is the subject of the proposed out-of-area sale.

(2) Location of plant from which shipment of the commodity is to be made.

(3) The shipping plant's "normal marketing area" (the area in which the product was regularly offered for shipment from that plant during 1944).

(4) Functional type of purchaser to whom shipment is proposed.

(5) A statement of the reasons why the product is not available to the proposed purchaser from his normal source of supply, and whether this condition is expected to be temporary or permanent.

The proposed determination of maximum prices pursuant to this section shall be deemed to be approved automatically on the expiration of 15 days after the mailing of this report unless within that time the Office of Price Administration notifies the manufacturer that the application of this section is not deemed necessary under the circumstances to maintain supply of the commodity in question.

[Sec. 7.13 added by Am. 20, 10 F.R. 14984, effective 12-15-45; corrected 11 F.R. 699, effective 1-16-46]

#### ARTICLE VIII—MODIFICATION OF MAXIMUM PRICES FOR BUILDING, CHEMICAL AND INDUSTRIAL LIME (EXCLUDING AGRICULTURAL LIME)

SEC. 8.1 *Maximum prices for manufacturers—(a) Maximum prices for manufacturers in Southern Ohio.* The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592 for building, chemical and industrial lime (excluding agricultural lime), produced in Clark, Delaware, Franklin, and Preble Counties in the State of Ohio, may be increased by adding an amount not in excess of \$0.45 per net ton to the f. o. b. plant or delivered prices.

(b) *Maximum prices for manufacturers in the Southeast Area, excluding Florida.* (1) The manufacturer's maximum prices established pursuant to Maximum Price Regulation No. 592, for building, chemical and industrial lime (excluding agricultural lime), produced in the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Mississippi, and Louisiana, may be increased by adding an amount not in excess of \$0.65 per net ton to the f. o. b. plant or delivered prices.

(2) Any individual price adjustments granted prior to May 12, 1945, by the Price Administrator or any Regional Administrator to any manufacturer of lime covered by the provisions set forth above, in an amount equal to or less than the increase permitted by this section, are hereby revoked.

(3) Any individual price adjustments granted prior to May 12, 1945, by the Price Administrator or any Regional Administrator to any manufacturer of lime covered by the provisions set forth above, in an amount greater than the increase permitted by this section, are hereby continued in full force and effect; such individual adjustments shall not however, be further increased by the amount permitted under this section.

(c) *Maximum prices for manufacturers in the West South Central Area.* The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 592, for building, chemical and industrial lime (excluding agricultural lime) produced in the States of Arkansas, Kansas, Nebraska, Oklahoma and that portion of the State of Missouri west of the 93rd meridian, may be increased by adding an amount not in excess of \$0.75 per net ton to the f. o. b. plant or delivered prices.

(d) *Maximum prices for manufacturers in the New England and Eastern New York area.* (1) The manufacturer's maximum prices established pursuant to Maximum Price Regulation 592, for building, chemical and industrial lime (excluding agricultural lime), produced in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and that portion of the State of New York lying east of the 77th meridian, may be increased by adding an amount not in excess of \$1.20 per net ton to the f. o. b. plant or delivered prices.

(2) Any individual price adjustments granted prior to August 13, 1945, by the Price Administrator or any Regional Administrator to any manufacturer of lime, covered by the provisions set forth above, in an amount equal to or less than the increase permitted by this section, are hereby revoked.

(3) Any individual price adjustments granted prior to August 13, 1945, by the Price Administrator or any Regional Administrator to any manufacturer of lime covered by the provisions set forth above, in an amount greater than the increase permitted by this section, are hereby continued in full force and effect; such individual adjustments shall not however, be further increased by the amount permitted under this section.

(4) Notwithstanding the provisions of (2) and (3) above any manufacturer who

has received an individual adjustment for a line of lime products (excluding agricultural lime) some of which adjustments are equal to or less than the increase permitted by this section, and some of which are greater than the increase permitted by this section, may increase the lesser adjustment up to the increase permitted by this section providing he simultaneously decreases the greater adjustments to the limit of the increase permitted by this section.

Any manufacturer who chooses to avail himself of the terms of this subparagraph (4) shall be deemed to have made an irrevocable election to use this method, and all prior individual adjustments for the line of products shall be automatically revoked upon such election.

(5) [Revoked]

[Subparagraph (5) revoked by Am. 10, 10 F.R. 12541, effective 10-4-45]

[Paragraph (d) added by Am. 1, 10 F.R. 10045, effective 8-13-45]

SEC. 8.2 *Discounts and allowances.* The maximum prices established herein shall be subject to cash, quantity and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

SEC. 8.3 *Modification of provision for determining maximum prices.* As applied to manufacturers' sales of building, chemical and industrial lime (excluding agricultural lime) section 5 (b) (1) and section 5 (b) (4) of Maximum Price Regulation 592 shall read as follows:

If the commodity was delivered or offered for delivery by the manufacturer during March 1942, his maximum price to each class of purchaser shall be the highest net plant price at which he delivered it, or if he did not deliver it, at which he offered it for delivery during that month to that class of purchaser.

"Purchaser of the same class" means functional class such as consumer, contractor, dealer, distributor, jobber, industrial purchaser, or government agency. In determining the highest net plant price charged to a functional class of purchaser, the seller may not consider isolated sales, or sales under unusual circumstances, which were unusually high in comparison with the seller's general level of prices charged to each class of purchasers.

[Sec. 8.3 added by Am. 5, 10 F.R. 11179, effective 8-29-45]

SEC. 8.4. *Reseller's prices.* (a) Any reseller or "agent" purchasing building, chemical and industrial lime (excluding agricultural lime) for resale from any manufacturer who has modified his maximum prices in accordance with section 8.1, above, may increase his maximum prices f. o. b. yard or delivered, established by the General Maximum Price Regulation, by the dollars-and-cents increase in cost resulting from the increase permitted the manufacturer under 8.1, above, where:

(1) He purchases these commodities from the manufacturer on the basis of a discount not in excess of 10 percent below the manufacturer's price to deal-

ers or industrial users, and resells these commodities as a wholesaler or "agent" to dealers and industrial users; or

(2) He normally sells to dealers, industrial users, water companies, and city sewerage plants, in carlot quantities shipped direct from the manufacturer's plant, on the basis of a mark-up of \$1.00 or less per ton.

(b) As used in this section "dealers" means persons primarily in the business of reselling to contractors or other consumers.

[Sec. 8.4 added by Am. 10, 10 F.R. 12541, effective 10-4-45; corrected 10 F.R. 13654, effective 11-2-45]

This Order No. 1 shall become effective July 30, 1945. [Order 1 to Maximum Price Regulation 592 originally issued July 23, 1945]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4770; Filed, Mar. 21, 1946; 11:26 a. m.]

[RMPR 136, Amdt. 3 to Order 447]

CHRYSLER CORP.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 3 to Order No. 447 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Chrysler Corporation; Docket No. 6083-136.21-359.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Revised Maximum Price Regulation 136, It is ordered:

Order No. 447, as amended, under Revised Maximum Price Regulation 136 is amended in the following respects.

1. Subparagraph (1) of paragraph (a) is amended to read as follows:

(1) *Model, description and net wholesale price.* Model WC (T-112), Truck, commercial, ½-ton, 116" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

|                                       |       |
|---------------------------------------|-------|
| Chassis with flat faced cowl.....     | \$513 |
| Chassis with windshield cowl.....     | 532   |
| Chassis and cab.....                  | 605   |
| Chassis and cab with express box..... | 631   |
| Chassis with panel body.....          | 707   |

Model WD-15 (T-114) Truck, ¾-ton, 120" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

|                                                 |       |
|-------------------------------------------------|-------|
| Chassis with flat faced cowl.....               | \$550 |
| Chassis with windshield cowl.....               | 569   |
| Chassis with cab.....                           | 642   |
| Chassis and cab with 7½ foot express body.....  | 673   |
| Chassis and cab with 7½ foot platform body..... | 680   |
| Chassis and cab with 7½ foot stake body.....    | 699   |

Model WD-20 (T-116) Truck, 1-ton, 120" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

|                                                 |       |
|-------------------------------------------------|-------|
| Chassis with flat faced cowl.....               | \$611 |
| Chassis with windshield cowl.....               | 630   |
| Chassis and cab.....                            | 703   |
| Chassis and cab with 7½ foot express body.....  | 734   |
| Chassis and cab with 7½ foot platform body..... | 741   |
| Chassis and cab with 7½ foot stake body.....    | 760   |

Model WD-21 (T-116) Truck, 1 ton, 133" wheel base; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

|                                                |       |
|------------------------------------------------|-------|
| Chassis with flat faced cowl.....              | \$624 |
| Chassis with windshield cowl.....              | 643   |
| Chassis and cab.....                           | 716   |
| Chassis and cab with 9-foot express body.....  | 757   |
| Chassis and cab with 9-foot platform body..... | 760   |
| Chassis and cab with 9-foot stake body.....    | 776   |
| Chassis with panel body.....                   | 822   |

2. Subparagraph (1) of paragraph (c) is amended to read as follows:

(1) *Model, description, and "Retail list price", f. o. b. factory, Detroit, Michigan.* Model WC (T-112), Truck, commercial ½ ton, 116" wheel base; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

|                                       |       |
|---------------------------------------|-------|
| Chassis with flat faced cowl.....     | \$675 |
| Chassis with windshield cowl.....     | 700   |
| Chassis and cab.....                  | 795   |
| Chassis and cab with express box..... | 830   |
| Chassis with panel body.....          | 930   |

Model WD-15 (T-114) Truck, ¾ ton, 120" wheel base; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

|                                                 |       |
|-------------------------------------------------|-------|
| Chassis with flat faced cowl.....               | \$725 |
| Chassis with windshield cowl.....               | 750   |
| Chassis and cab.....                            | 845   |
| Chassis and cab with 7½-foot express body.....  | 886   |
| Chassis and cab with 7½-foot platform body..... | 895   |
| Chassis and cab with 7½-foot stake body.....    | 920   |

Model WD-20 (T-116) Truck, 1 ton, 120" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

|                                                 |       |
|-------------------------------------------------|-------|
| Chassis with flat faced cowl.....               | \$805 |
| Chassis with windshield cowl.....               | 830   |
| Chassis and cab.....                            | 925   |
| Chassis and cab with 7½ foot express body.....  | 966   |
| Chassis and cab with 7½ foot platform body..... | 975   |
| Chassis and cab with 7½ foot stake body.....    | 1,000 |

Model WD-21 (T-116) Truck, 1 ton, 133" wheelbase; with 1942 standard equipment and specifications except that it is equipped with synthetic tires of base tire size:

|                                               |       |
|-----------------------------------------------|-------|
| Chassis with flat faced cowl.....             | \$822 |
| Chassis with windshield cowl.....             | 847   |
| Chassis and cab.....                          | 942   |
| Chassis and cab with 9 foot express body..... | 996   |

|                                                |         |
|------------------------------------------------|---------|
| Chassis and cab with 9 foot platform body..... | \$1,000 |
| Chassis and cab with 9 foot stake body.....    | 1,021   |
| Chassis with panel body.....                   | 1,082   |

3. All requests not granted herein are denied.

4. This amendment may be revoked or amended by the Administrator at any time.

This amendment shall become effective March 19, 1946.

Issued this 19th day of March 1946.

PAUL A. PORTER,  
Administrator.

[F. R. Doc. 46-4617; Filed, Mar. 19, 1946;  
4:36 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1236]

THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March 1946.

Notice is hereby given that a joint declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Milwaukee Electric Railway & Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and by Wisconsin Electric Power Company, a subsidiary holding company of The North American Company, a registered holding company. All interested persons are referred to the declaration or application, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

The Milwaukee Electric Railway & Transport Company proposes to purchase for cash and other valuable consideration, at par, for retirement, 12,000 shares of its capital stock of the aggregate par value of \$1,200,000 from Wisconsin Electric Power Company. The Milwaukee Electric Railway & Transport Company proposes that of the consideration to be paid for said stock \$800,000 shall be paid in cash, and the remainder is to be represented by the proposed assignment by The Milwaukee Electric Railway & Transport Company to Wisconsin Electric Power Company of the former Company's interest in certain contractual indebtedness aggregating \$400,000 owing to The Milwaukee Electric Railway & Transport Company by the Kenosha Motor Coach Lines, Inc., under certain conveyances of interurban transportation lines sold by The Milwaukee Electric Railway & Transport Company to the Kenosha Motor Coach Lines, Inc. Wisconsin Electric Power Company seeks authorization to surrender the stock on the basis described.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to

said declaration and application, and that said declaration and application shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration and application under the applicable provisions of the act and the rules of the Commission thereunder be held on April 2, 1946, at 10:00 a. m., e. s. t., in the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration and application, particular attention will be directed to the following matters:

1. Whether the proposed consideration to be paid for the purchase by The Milwaukee Electric Railway & Transport Company of its common stock from Wisconsin Electric Power Company, in so far as such consideration is represented by the assignment by the former Company to its parent of its interest in certain contractual indebtedness aggregating \$400,000 owing to The Milwaukee Electric Railway & Transport Company under certain conveyances of transportation lines sold to the Kenosha Motor Coach Lines, Inc., is fair, reasonable and appropriate and in the public interest, and in the interest of investors and consumers.

2. Whether the acquisition by Wisconsin Electric Power Company of said indebtedness of the Kenosha Motor Coach Lines, Inc., will unduly complicate the capital structure of the holding company system of Wisconsin Electric Power Company, or will be detrimental to the public interest or the interests of investors or consumers, or to the proper functioning of such holding company system.

3. Whether the proposed acquisition by The Milwaukee Electric Railway & Transport Company of its capital stock from its parent, Wisconsin Electric Power Company, for retirement will adversely affect the financial integrity of The Milwaukee Electric Railway & Transport Company.

4. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms or conditions with respect to the proposed transactions.

5. Whether the proposed transactions, generally, meet the requirements of the applicable provisions of the act and rules and regulations promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve notice of the said hearing by mailing a copy of this order by registered mail to The Milwaukee Electric Railway & Transport

Company; Wisconsin Electric Power Company; the Public Service Commission of Wisconsin; to the Mayor of the City of Milwaukee, Wisconsin; to Walter J. Mattison, City Attorney, 801 City Hall, Milwaukee, Wisconsin; and to the Mayors of Kenosha, Racine, West Allis, Wauwatosa, South Milwaukee, Cudahy and Port Washington, Wisconsin; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

*It is further ordered*, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before April 1, 1946, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-4728; Filed, Mar. 21, 1946;  
10:07 a. m.]

[File No. 70-736]

ALABAMA WATER SERVICE CO. AND FEDERAL  
WATER AND GAS CORP.

ORDER GRANTING APPLICATIONS AND PERMIT-  
TING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of March A. D. 1946.

Alabama Water Service Company ("Alabama"), a subsidiary of Federal Water and Gas Corporation ("Federal"), a registered holding company, and Federal having made a joint filing under the Public Utility Holding Company Act of 1935 relating to the redemption and retirement by Alabama and the surrender by Federal of 3,643 shares of the \$6 Cumulative Preferred Stock of Alabama (all of such stock outstanding) at the call price thereof, \$105 per share plus accrued and unpaid dividends to and including March 1, 1946; the payment by Alabama to Federal of \$10,000 in cash as a partial liquidating dividend on Federal's holdings of the common stock of Alabama; and future payments of cash liquidating dividends by Alabama to Federal on the common stock of Alabama from the proceeds of sales by Alabama of water works properties now owned by Alabama as such proceeds become available;

The filing indicating that Alabama has no securities outstanding in the hands of the public and that the proposed transactions are part of a program under which Alabama contemplates the sale or other disposition of all of its properties, the retirement and redemption by Alabama of all of its preferred stock, the distribution by Alabama of the proceeds from the sale of its properties as liquidating dividends to Federal and the ultimate liquidation of Alabama; Alabama and Federal having re-

quested that the Commission find that the transactions proposed by the instant filing are necessary or appropriate to the integration or simplification of the holding company system of which Alabama and Federal are members, and further having requested that the order or orders to issue herein conform with the requirements of sections 371 (d), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals and specifications set forth therein;

Said joint application-declaration having been filed on November 23, 1945, and an amendment thereto having been filed on February 25, 1946, notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon;

The Commission on February 10, 1943, having issued an order pursuant to sections 11 (b) and 11 (e) of the act directing, among other things, that Federal dispose of its interests in Alabama and approving a plan filed by Federal providing, among other things, that Federal would dispose of its interests in Alabama; the Commission now finding that the transactions proposed in the instant joint application-declaration are not in contravention of the act or any rules or regulations promulgated thereunder and that said transactions satisfy the requirements of all applicable sections of the act and of the rules and regulations thereunder and that it is appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and be permitted to become effective, and finding further that the proposed transactions are necessary and appropriate to the integration or simplification of the holding company system of which Federal and Alabama are members and to effectuate the requirements of section 11 (b) of the act;

*It is hereby ordered*, Pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid joint application-declaration be and the same hereby is granted and permitted to become effective forthwith;

*It is further ordered and recited*, That the redemption and retirement by Alabama Water Service Company of 3,643 shares of \$6 Cumulative Preferred Stock of Alabama Water Service Company at the redemption prices applicable thereto and the surrender by Federal Water and Gas Corporation of its holdings in said securities to Alabama Water Service Company, the payment by Alabama Water Service Company and the receipt by Federal Water and Gas Corporation of a cash liquidating dividend in the amount of \$10,000, and the further payment or payments of cash liquidating dividends by Alabama Water Service Company to Federal Water and Gas Corporation from time to time from

the proceeds of the sale or sales by Alabama Water Service Company of physical properties now owned by Alabama Water Service Company are necessary and appropriate to the integration or simplification of the Federal Water and Gas Corporation holding company system of which Alabama Water Service Company is a member and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-4729; Filed, Mar. 21, 1946;  
10:07 a. m.]

[File Nos. 70-1020 and 68-46]

WESTERN LIGHT & TELEPHONE CO. AND  
KANSAS POWER CO.

ORDER RELEASING JURISDICTION OVER CER-  
TAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of March, A. D. 1946.

The Commission by order dated June 29, 1945 having granted the applications and permitted the declarations to become effective relating, among other things, to the merger of Western Light & Telephone Company, a registered holding company and its then subsidiary, The Kansas Power Company, and the issuance by the surviving corporation, Western Light & Telephone Company, Inc., of \$6,200,000 First Mortgage Bonds, 151,949 shares of preferred stock and 237,664 shares of common stock (Holding Company Act Release No. 5902); and

The Commission for the reasons stated in the findings and opinion accompanying said order having reserved jurisdiction over the fees and expenses to be paid to Harris, Hall & Company in connection with the transactions, which fees were estimated by Western Light & Telephone Company in the amount of \$25,000 for services as financial agent and \$7,500 for services as manager of proxy solicitations; and

Harris, Hall & Company having filed a detailed statement of the services performed as financial agent and as manager of proxy solicitations, for which services approval of payment in the amounts of \$19,000 and \$6,000, respectively, together with expenses of \$650.95, is requested; and

It appearing to the Commission that such proposed fees and expenses are for necessary services and not unreasonable in amount;

*It is ordered*, That jurisdiction over said fees and expenses proposed to be paid to Harris, Hall & Company be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-4731; Filed, Mar. 21, 1946;  
10:08 a. m.]

[File No. 30-208]

## WESTERN LIGHT &amp; TELEPHONE CO.

## FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of March, A. D. 1946.

Western Light & Telephone Company (Western), a registered holding company, having filed a certificate of notification stating that it has effected a merger with The Kansas Power Company, which company prior to the merger was a public utility company and the sole subsidiary of Western, and further stating that the surviving corporation, Western Light & Telephone Company, Inc., has issued its bonds, preferred stock and common stock and has effected other related transactions, all in accordance with the order of this Commission in file numbers 70-1020 and 68-46 entered June 29, 1945 and supplemental order pursuant to Rule U-50 entered September 6, 1945 (Holding Company Act Release Nos. 5902 and 6031); and

Western having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company; and

A notice of filing having been issued on December 11, 1945 with respect to said application and said notice having stated that any interested person may, not later than December 26, 1945, request the Commission in writing that a hearing be held on such matter and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Western Light & Telephone Company has ceased to be a holding company and that its registration as a holding company should cease to be in effect and that it is not necessary to impose any terms or conditions for the protection of investors in connection with the termination of such registration:

*It is ordered and declared*, That Western Light & Telephone Company has ceased to be a holding company and that the registration of Western Light & Telephone Company as a holding company shall from the date of the entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-4732; Filed, Mar. 21, 1946;  
10:09 a. m.]

[File No. 70-1240]

## UNION PRODUCING CO.

## ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March, A. D. 1946.

Union Producing Company ("Union"), a wholly owned subsidiary of United Gas

Corporation ("United"), which is a subsidiary of Electric Power & Light Corporation, a registered holding company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder with respect to the following transactions:

Union proposes to redeem for cash on or about March 25, 1946, \$1,000,000 principal amount of its 6% Debentures due March 1, 1952, in accordance with the provisions thereof, at principal amount and accrued interest thereon to date fixed for such redemption. Union has presently outstanding \$39,000,000 of said 6% Debentures all of which are owned by United. The Debentures are pledged and held as collateral under the provisions of the Mortgage and Deed of Trust securing United's First Mortgage Bonds. It is stated that United has advised Union that it proposes to transfer the \$1,000,000 principal amount to be paid to the Trustee by Union to the Sinking Fund as a credit against current requirements in accordance with the provisions of the Mortgage.

Said application and declaration having been filed on February 25, 1946 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transaction hereinabove mentioned satisfies the requirements of the provisions of the act and of the rules thereunder, insofar as they are applicable, and that it is appropriate in the public interest and in the interest of investors and consumers that said application be granted and said declaration be permitted to become effective;

*It is ordered*, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and the same hereby is, granted and that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-4735; Filed, Mar. 21, 1946;  
10:09 a. m.]

[File No. 70-973]

## MISSOURI GENERAL UTILITIES CO. AND ASSOCIATED ELECTRIC CO.

## ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of March 1946.

Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, Missouri General Utilities Company ("Utilities"), having filed an

application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, concerning the proposed sale by Aelec of its entire interest in Utilities, the proposed acquisition by Aelec of certain assets of Utilities, and related matters; and

The Commission having, by order dated November 27, 1944, granted the application and permitted the declaration to become effective, as amended, and said order having, among other things, reserved jurisdiction over the payment of all legal fees and expenses of counsel in connection with the proposed transaction; and

M. C. Matthes, counsel for Aelec, having submitted information regarding the nature and extent of the services rendered by him for such company for which a fee of \$5,000 is proposed; and George A. Rozier, also counsel for Aelec, having submitted information regarding the nature and extent of the services rendered by him to such company for which a fee of \$7,500 is proposed; and

It appearing to the Commission that such fees are not unreasonable:

*It is ordered*, That the jurisdiction heretofore reserved over the payment of all legal fees and expenses of counsel in connection with the proposed transactions be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-4733; Filed, Mar. 21, 1946;  
10:09 a. m.]

[File No. 812-409]

## APPLIANCE DEVELOPMENT CORP.

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March, A. D. 1946.

An application having been filed by Appliance Development Corporation under and pursuant to the provisions of section 3 (b) (2) and 6 (c) of the Investment Company Act of 1940 for an order declaring it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, or for an exemption from the provisions of the Investment Company Act;

*It is ordered*, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on Monday, April 1, 1946, at 11:00 a. m., Eastern Standard Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

*It is further ordered*, That William W. Swift, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-4734; Filed, Mar. 21, 1946;  
10:09 a. m.]

## WAR ASSETS CORPORATION.

[Rev. Special Order 24]

### PRICING AND DISTRIBUTION POLICY FOR CONSUMER GOODS

Surplus Property Administration Revised Special Order 24, January 18, 1946 (11 F.R. 954), entitled "Pricing and Distribution Policy For Consumer Goods", is hereby further revised and amended as set forth below.

The Congressional policy announced by the Surplus Property Act of 1944 is to foster wide distribution of surplus commodities to consumers at fair prices utilizing normal channels of trade in such manner as to strengthen and preserve the competitive position of small business concerns. This special order is intended to implement that policy with respect to consumer goods and shall be administered accordingly.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611), Public Law 181, 79th Congress, 1st Session, (59 Stat. 533) and Executive Order 9689 (11 F.R. 1265), it is hereby ordered, That:

1. This order shall apply to disposals of consumer goods in the continental United States, its territories and possessions, except disposals to Federal agencies and State and local Governments pursuant to the provisions of Surplus Property Administration Regulation 2,<sup>2</sup> disposals to veterans pursuant to the provisions of Surplus Property Administration Regulation 7,<sup>3</sup> and disposals to nonprofit institutions and instrumentalities pursuant to the provisions of Surplus Property Administration Regulation 14.<sup>4</sup>

2. (a) Generally fixed price sales shall be used for national programs and for regional sales projects in preference to all other methods. The fixed price method of sale shall be used when property is in new condition, is available in inventory in large quantities, and is either a standard commercial item or is readily marketable; and may be used whenever property, either new or used, can best be moved by this method.

(b) Other methods of sale may be used when it is not practicable to use the fixed price method of sale. The following additional standards shall be used as a guide in the choice of these other methods:

(1) Sealed bid—where the property is a non-standard commercial item; or is

of unknown marketability; or is available only in mixed lots or small quantities.

(2) Spot sale (by fixed price or competitive bid) or public auction—where the property is not suitable for fixed price offering; when rapid clearance of a site is necessary; or when the experience of the disposal agency has shown this to be the best method of disposing of the specific type of property involved.

(3) Negotiated sale—(a) When the proposed purchaser can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing, more economically and effectively than the disposal agency or others; (b) When the property is non-standard and has no apparent civilian use; (c) When the property is such a hazard to health and property as to require immediate disposition; (d) When the property will spoil or deteriorate so rapidly as to jeopardize any disposal unless immediately sold; (e) When another method of sale has proved unsuccessful; or, (f) When the property is to be sold to a foreign government at the request of the State Department.

3. In the fixed price method of sale, prices shall be established as close to the current market price as possible, recognizing that they must be attractive enough to move the property and compensate for any unusual features of the property which may add to the difficulty of reselling. In general, prices shall be set for two levels of trade, wholesale and retail. The differential between those prices should correspond to that which is normal in the trade, and should reflect the differences in the cost of the distributive functions performed. Sales under such differentials shall be known as program sales. In those instances where program sales are not feasible, and in other special instances, a uniform price may be set for all purchasers; for example, such instances may occur where a commodity normally moves predominantly from the manufacturer to wholesalers and industrial users, or may occur in connection with the clearance of depots, warehouses, ships, or command installations.

4. The minimum quantity, i. e., the minimum lot size, which should be offered for sale by the disposal agency should to the extent feasible be a quantity which will enable small independent retailers to participate. Such minimum quantities may be larger when (a) large quantities of merchandise are packaged in military cartons and it would be uneconomical to repackage the property to provide for sales in smaller quantities, or (b) it is necessary to consolidate several packages in order to assure an equitable or appropriate distribution of the size range of the property. In program sales, the price on the minimum quantity offered to small independent retailers shall be known as the base price.

5. In program sales, a larger minimum quantity applicable to the wholesale trade should be offered to wholesalers of the commodity offered who agree to use their best efforts to sell to small independent retail establishments. This minimum quantity may be less than the

minimum quantity offered to large retailers pursuant to paragraph 6 hereof. The price to the wholesaler should be such as to compensate for the distributive function to be performed by the wholesaler, taking into consideration the type of goods, the turn-over potential, the cost of care and handling, the value, and the quantity available.

6. Certain large retailers, including chain stores and mail order houses, normally purchase in quantities far in excess of those purchased by the small retailer and small wholesaler. To facilitate the disposal of consumer goods, and thereby to protect the interest of the Government in such goods, and in recognition of the fact that retailers who buy in large quantities usually perform an intermediate distributive function in the movement of the goods to the consumer level, such purchases should, in program sales, generally be made at a discount of not more than 5 percent from the price to small retailers. The minimum quantity subject to this discount shall be specified in the offering.

7. No other reductions or discounts shall be given and there shall be no graded discounts within the same class of purchasers.

8. The price levels in program sales shall be established by the disposal agency as to each kind of property to be sold. Subject to Office of Price Administration ceilings, surplus consumer goods shall be priced by the disposal agency to effectuate orderly and prompt disposal, giving due consideration to the kind, quantity, condition, and value of each item at the time of the offering.

9. In any fixed price method of sale when the total supply of a commodity is less than the amount ordered, consideration shall be given to the needs of other purchasers before large quantities are sold to one or a few purchasers. Precedence shall be given to orders received from small retailers and from wholesalers who serve small independent retailers.

10. The following conditions shall be observed for the classes of purchasers specified below:

(a) Sales may be made exclusively to the original producer of the surplus property only when the original producer can perform certain necessary functions, such as repairing, rehabilitating, sorting, grading, or testing, more effectively than the disposal agency or others.

(b) Manufacturers who perform the distributive functions of serving small independent retailers may buy as wholesalers under program sales, subject to the rules applicable to purchases made by wholesalers.

(c) Wholesalers and manufacturers who own, operate, or control retail stores are required to buy as retailers, under program sales, for their company owned or controlled retail stores.

(d) Buying offices of associated groups of retail stores operated on the voluntary chain system of buying will buy as retailers under program sales.

(e) Commercial exporters and purchasing commissions representing foreign governments shall be permitted to participate as wholesalers under program sales, except that items in criti-

<sup>1</sup> Successor to Surplus Property Administration.

<sup>2</sup> 10 F.R. 14200, 11 F.R. 1357.

<sup>3</sup> 10 F.R. 12849.

<sup>4</sup> 10 F.R. 14028, 11 F.R. 2714.

cally short supply in the domestic economy may not be available to them for export.

(f) Cooperative organizations shall be permitted to participate in sales of consumer goods at the same time and under the same conditions as other commercial enterprises under program sales. In determining the level of trade at which a particular cooperative organization will buy consideration should be given solely to its functions as a wholesaler or retailer and not the features of cooperative ownership.

(g) Industrial users, i. e., manufacturing or commercial enterprises of a class which normally purchases property for its own use and not for resale shall be permitted to participate in program sales at the retail level, or at the wholesale level (at the minimum quantity specified in paragraph 5) if such class customarily buys from manufacturers at the same price as wholesalers, Provided,

that in either case the property so purchased is not resold in its present form except after incorporation into an end product. Orders of commercial and industrial purchasers shall be filled in accordance with paragraph 9 hereof after retailers and wholesalers who serve small retailers.

(h) Purchasing agents (including resident buyers, commission men, brokers, and other agents) who perform the purchasing function for the principles they represent, shall be permitted to participate in disposals of surplus property. Sales made through these agents shall be made only in the name of the principal they represent and in program sales at the level of distribution of the principal. Such agents may be required to present a written authorization from the principal for each purchase.

(i) All purchasers who may participate in program sales shall also be eli-

gible to acquire property offered by any other method.

(j) Ultimate consumers (persons who buy for their own personal use) are not ordinarily expected to purchase surplus property directly from the disposal agency except when such property is offered in suitable lots or units under circumstances which will not complicate the work of disposal or where sales to ultimate consumers, for example through rural farm auctions, would be more effective than offerings by other methods.

This revised order shall become effective March 16, 1946.

E. B. GREGORY,  
*Lieutenant General, A. U. S.,  
Chairman, Board of Directors,  
War Assets Corporation.*

MARCH 16, 1946.

[F. R. Doc. 46-4773; Filed, Mar. 21, 1946;  
11:39 a. m.]